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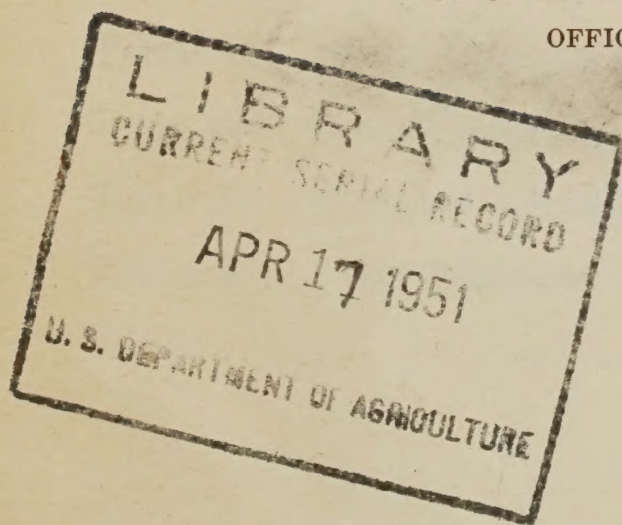
1945-1946 POCKET SUPPLEMENT  
TO  
LAWS APPLICABLE  
TO THE  
UNITED STATES  
DEPARTMENT OF AGRICULTURE  
(1945 EDITION)

EMBRACING  
STATUTES OF A PERMANENT CHARACTER  
REORGANIZATION PLANS AND EXECUTIVE ORDERS  
AFFECTING THE DEPARTMENT OF AGRICULTURE  
WHICH WERE NOT INCLUDED IN THE REVISED EDITION, 1945  
OR WHICH HAVE BEEN ENACTED OR ISSUED BETWEEN  
JANUARY 1, 1945, AND DECEMBER 31, 1946

COMPILED UNDER THE DIRECTION OF  
W. CARROLL HUNTER, SOLICITOR

BY

GEORGINA J. BINGERT, ATTORNEY  
OFFICE OF THE SOLICITOR









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**§ 22a. Delegation of powers and authority to subordinate officials.**—The head of any department may delegate to subordinate officials (1) the power vested in him by law to take final action on matters pertaining to the employment, direction, and general administration of personnel under his department; (2) the authority vested in him by section 675 of title 31 to direct the purchase of articles from contingent funds; and (3) the authority vested in him by section 324 of title 44, to authorize the publication of advertisements, notices or proposals. (Aug. 2, 1946, ch. 744, § 12, 60 Stat. 809.)

**§ 26a. Repealed.** June 30, 1945, ch. 212, title VI, § 604 (c), 59 Stat. 303.

Section, Act Mar. 3, 1931, ch. 396, 46 Stat. 1482, provided for Saturday half holidays.

Section was suspended by the following acts: Dec. 22, 1942, ch. 798, § 3, 56 Stat. 1069, eff. Dec. 1, 1942; May 7, 1943, ch. 93, § 6, 57 Stat. 77, set out as section 1405 of appendix to title 50; and the following executive orders: No. 8816, July 5, 1941, 6 F. R. 3265; No. 8876, Aug. 30, 1941, 6 F. R. 171; No. 9018, Jan. 12, 1942, 7 F. R. 238.

**§ 29. Repealed.** June 30, 1945, ch. 212, Title VI, § 604 (c), 59 Stat. 303.

Act Oct. 21, 1940, ch. 903, 54 Stat. 1205; Act June 3, 1941, ch. 168, 55 Stat. 241; Res. July 3, 1942, ch. 482, 56 Stat. 645, amended by Act Oct. 2, 1942, ch. 577, 56 Stat. 765; Res. Dec. 22, 1942, ch. 798, 56 Stat. 1068, providing for overtime compensation for all civilian employees of the United States Government, including employees of the Panama Canal Zone, expired Apr. 30, 1943.

**Validation of payments in excess of maximum compensation.**—Act Dec. 7, 1944, ch. 520, 58 Stat. 796, as amended Aug. 8, 1946, ch. 872, 60 Stat. 923, provided: "That employees or former employees of the United States who were in the purview of Public Law 821, Seventy-seventh Congress, approved Dec. 22, 1942 [Res. Dec. 22, 1942, ch. 798, 56 Stat. 1068, (set out as a note under this section)] which law was in effect from Dec. 1, 1942, to Apr. 30, 1943, and which limited the overtime compensation of any employee to an amount which 'will not cause his aggregate compensation to exceed a rate of \$5,000 per annum', (1) are hereby relieved of liability to repay to the United States any amounts received by them for any pay period which were in excess of the maximum compensation to which they were entitled for such period under the provisions of said Public Law 821 and (2) shall be entitled to refunds of any such amounts that they have repaid to the United States: *Provided*, That in no case shall there be validated aggregate payment to an employee in excess of six-twelfths of \$5,000."

**§ 32. Repealed.** Aug. 7, 1946, ch. 770, § 1 (1), 60 Stat. 866.

Section codified from Act Mar. 3, 1893, ch. 211, § 5 (par. 4), 27 Stat. 715, as amended by Act Mar. 15, 1898, ch. 68, § 7, 30 Stat. 316.

**§ 55a. Temporary employment of experts or consultants; rate of compensation.**—The head of any department, when authorized in an appropriation or other Act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services,



by contract, and in such cases such service shall be without regard to the civil-service and classification laws (but as to agencies subject to sections 661–663, 664–673, and 674 of this title at rates not in excess of the per diem equivalent of the highest rate payable under said sections, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting services by organizations, without regard to section 5 of Title 41. (Aug. 2, 1946, ch. 744, § 15, 60 Stat. 810.)

Persons exempted from application of this section, see note under section 73a of this title.

Travel expenses of consultants or experts, see section 73b–2 of this title.

**§ 61a–1. Employment during terminal leave from armed forces—(a) Payment of pay and allowances due from armed forces in addition to regular compensation.**—Any person, who, subsequent to May 1, 1940, shall have performed active service in the armed forces, may, while on terminal leave pending separation from or release from active duty in such service under honorable conditions, enter or reenter employment of the Government of the United States, its Territories or possessions, or the District of Columbia (including any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the Government of the United States, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), and, in addition to compensation for such employment, shall be entitled to receive pay and allowances from the armed forces for the unexpired portion of such terminal leave at the same rates and to the same extent as if he had not entered or reentered such employment.

**(b) Lump sum payments for accumulated or accrued leave upon entering Government service.**—Any such person who, prior to November 21, 1945, entered or reentered such employment without having used all accumulated and current accrued leave to which he would have been entitled as a result of such service had he not entered or reentered such employment, shall, upon application therefor filed with the Secretary of War, the Secretary of the Navy, the Secretary of Commerce, or the Federal Security Administrator, as the case may be, be entitled to be paid a lump sum equal in amount to the pay and allowances to which he would have been entitled while on terminal leave for the unused portion of such accumulated and current accrued leave had he not entered or reentered such employment.

**(c) Compensation for services rendered.**—Any such person who, while on terminal leave from the armed forces, performed or shall on or after November 21, 1945 perform services for the Government of the United States, its Territories or possessions, or the District of Columbia (including any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the Government of the United States, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), for which he would have been entitled to be paid had he regularly become employed or reemployed in a civilian position prior to performing such services, and had he not been receiving pay and allowances from the armed forces for the period during which such services were performed, shall, if he



has not otherwise been compensated for such services, be entitled, upon application therefor filed with the General Accounting Office, or, in the case of a person performing such services for a Territory or possession, filed with the appropriate agency or officer of the Government of such Territory or possession, to be paid a lump sum equal in amount to the compensation he would have received for such services had he been regularly employed or reemployed and had he not been receiving pay and allowances from the armed forces.

**(d) Lump sum payments for accumulated or accrued leave upon entering State service.**—Any such person who enters the employment of a State, or any political subdivision thereof, shall upon application therefor filed with the Secretary of War, the Secretary of the Navy, the Secretary of Commerce, or the Federal Security Administrator, as the case may be, be entitled to be paid a lump sum equal in amount to the pay and allowances to which he is entitled for the unused portion of his accumulated and current accrued leave.

**(e) Waiver.**—No waiver effectuated prior to November 21, 1945, of any right to receive any payment to which a person would otherwise be entitled under this section shall operate to deny such person entitlement to such payment.

**(f) Definitions.**—As used in this section, the term “armed forces” includes the Army, Navy, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the Coast and Geodetic Survey, and their respective components. (Aug. 1, 1941, ch. 348, § 2, as added Nov. 21, 1945, ch. 489, 59 Stat. 584.)

**§ 73a. Transportation expenses of officers and employees in privately owned vehicles and airplanes; mileage allowances; fares and tolls.**—Civilian officers or employees or others rendering service to the Government shall, under regulations prescribed by the President, and unless otherwise provided in the appropriation concerned or other law, and whenever such mode of transportation is authorized or approved as more advantageous to the Government, be paid in lieu of actual expenses of transportation not to exceed 2 cents per mile for the use of privately owned motorcycles or 5 cents per mile for the use of privately owned automobiles or airplanes when engaged in necessary travel on official trips from their designated posts of duty or places of service, or 2 cents per mile for the use of privately owned motorcycles or 4 cents per mile for the use of privately owned automobiles when used on official business wholly within the limits of their official stations or places of service. In addition to the mileage allowances provided for in this section, there may be allowed reimbursement for the actual cost of ferry fares and bridge, road, and tunnel tolls. (Feb. 14, 1931, ch. 165, 46 Stat. 1103, as amended Mar. 3, 1933, ch. 212, title II, § 9, 47 Stat. 1516; Apr. 25, 1940, ch. 156, 54 Stat. 167; Dec. 22, 1944, ch. 667, 58 Stat. 908; Aug. 2, 1946, ch. 744, § 3, 60 Stat. 807.)

Act Aug. 2, 1946, cited to text, added provisions authorizing allowances of two or four cents per mile for vehicles used wholly within limits of official stations, and allowing reimbursement for fares and tolls.

Act Dec. 22, 1944, cited to text, amended section by adding “or airplane” following “owned automobile.”

Act Apr. 25, 1940, cited to text, substituted “a privately owned” for “his own”, wherever appearing.

Act Mar. 3, 1933, cited to the text provided as follows: “The allowance provided \* \* \* for travel ordered after the date of enactment of this act shall not exceed 2 cents per mile in the case of travel by motor cycle or 5 cents per mile in the case of travel by automobile.”



**Effective date.**—Section 2 of act Dec. 22, 1944, cited to text, provided that amendment of section should become effective ninety days after approval by President.

**Persons exempted.**—Section 19 of act Aug. 2, 1946, cited to text, provided that this section and sections 55a, 73b-1 to 73b-3, and 118h of this title, shall not apply to persons whose pay and allowances are established by sections 101-111, 112, 113-118, 119 and 120 of Title 37, Pay and Allowances.

**Repeals.**—The second sentence of section 1 of act Dec. 22, 1944, cited to text, provided that all law or parts of law were modified or repealed to the extent that they conflicted with section.

Act Feb. 14, 1931, cited to the text, provided that "This act [this section] shall take effect July 1, 1931, and all laws or parts of laws are hereby modified or repealed to the extent same may be in conflict herewith."

Insofar as the provisions of this section relating to subsistence may conflict with those of sections 821-833 of this title, they were repealed by section 829 of this title.

**§ 73b. Traveling expenses limited to lowest first-class rate.**—Whenever by or under authority of law actual expenses for transportation may be allowed, such allowances shall not exceed the lowest first-class rate by the transportation facility used in such transportation unless it is certified, in accordance with regulations prescribed by the President, that lowest first-class accommodations are not available or that use of a compartment or such other accommodations as may be authorized or approved by the head of the agency concerned or such subordinates as he may designate, is required for purposes of security. (Mar. 3, 1933, ch. 212, title II, § 10, 47 Stat. 1516, as amended Aug. 2, 1946, ch. 744, § 6, 60 Stat. 808.)

Act Aug. 2, 1946, cited to text, made section applicable to expenses of transportation rather than travel, and added provisions permitting greater allowance in certain instances.

**Repeal.**—Insofar as the provisions of this section relating to subsistence may conflict with those of sections 821-833 of this title, they were repealed by section 829 of this title.

Traveling expenses on inter-island steamships in Hawaii as limited to lowest first-class rate on trans-Pacific steamships, see section 73e of this title.

**§ 73b-1. Travel expenses of transferred employees; transportation of families, household goods and personal effects; employees excepted; reimbursement in lieu of payment; availability of funds.**—(a) Under such regulations as the President may prescribe, any civilian officer or employee of the Government who, in the interest of the Government, is transferred from one official station to another, including transfer from one department to another, for permanent duty, shall, except as otherwise provided in this section, when authorized, in the order directing the travel, by such subordinate official or officials of the department concerned as the head thereof may designate for the purpose, be allowed and paid from Government funds the expenses of travel of himself and the expenses of transportation of his immediate family (or a commutation thereof in accordance with section 73a of this title) and the expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects (not to exceed seven thousand pounds if uncrated or eight thousand seven hundred and fifty pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement) : *Provided*, That advances of funds may be made to the officer or employee in accordance with said regulations under the same safeguards as are required under section 828 of this title: *Provided further*, That the allowances authorized in this section shall not



be applicable to civilian employees of the War Department and their dependents when transferred under the provisions of section 763 of Appendix to Title 50, nor to officers and employees of the Foreign Service, Department of State: *Provided further*, That no part of such expenses (including those of officers and employees of the Foreign Service, Department of State) shall be allowed or paid from Government funds where the transfer is made primarily for the convenience or benefit of the officer or employee or at his request: *Provided further*, That in case of transfer from one department to another such expenses shall be payable from the funds of the department to which the officer or employee is transferred.

(b) In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects, in the case of such transfers between points in continental United States, reimbursement shall be made to the officer or employee on a commuted basis (not to exceed the amount which would be allowable for the authorized weight allowance) as such rates per one hundred pounds as may be fixed by zones in regulations prescribed by the President.

(c) Funds available for travel expenses of civilian officers and employees shall also be available for the expenses of the transportation of their immediate families, and funds available for the transportation of household goods and effects, as authorized by this section. Aug. 2, 1946, things shall also be available for the transportation of household goods and effects, as authorized by this section. (Aug. 2, 1946, ch. 744, § 1, 60 Stat. 806.)

**Effective date.**—Section 20 of act Aug. 2, 1946, cited to text, provided that this section shall become effective on the first day of the third calendar month following its enactment.

**Cross references.**—Persons exempted from application of this section, see note under section 73a of this title.

**§ 73b-2. Travel expenses of consultants or experts; transportation of persons serving without compensation.**—Persons in the Government service employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis may be allowed travel expenses while away from their homes or regular places of business, including per diem in lieu of subsistence while at place of such employment, in accordance with the Standardized Government Travel Regulations, sections 73a and 821-833 of this title, and persons serving without compensation or at \$1 per annum may be allowed, while away from their homes or regular places of business, transportation in accordance with said regulations and section 73a of this title, and not to exceed \$10 per diem in lieu of subsistence en route and at place of such service or employment unless a higher rate is specifically provided in an appropriation or other Act. (Aug. 2, 1946, ch. 744, § 5, 60 Stat. 808.)

Persons exempted from application of this section, see note under section 73a of this title.

Temporary employment of experts and consultants, see section 55a of this title.

**§ 73b-3. Travel expenses of new appointees; transportation of families, household goods and personal effects.**—Appropriations for the departments shall be available, in accordance with regulations prescribed by the President, for expenses of travel of new appointees,



expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects from places of actual residence at time of appointment to places of employment outside continental United States, and for such expenses on return of employees from their post of duty outside continental United States to the places of their actual residence at time of assignment to duty outside the United States: *Provided*, That such expenses shall not be allowed new appointees unless and until the person selected for appointment shall agree in writing to remain in the Government service for the twelve months following his appointment, unless separated for reasons beyond his control. In case of a violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States. This section shall not apply to appropriations for the Foreign Service, State Department. (Aug. 2, 1946, ch. 744, § 7, 60 Stat. 808.)

. Persons exempted from application of this section, see note under section 73a of this title.

**§ 73b-4. Definitions.**—The word “department” as used in sections 22a, 55a, 73a, 73b to 73b-3, 77, 78, 95a, 116a, 118d-1, and 118h of this title, section 529 of Title 31, and section 5 of Title 41 shall be construed to include independent establishments, other agencies, wholly owned Government corporations (the transactions of which corporations shall be subject to the authorizations and limitations of said sections, except that section 5 of Title 41 shall apply to their administrative transactions only), and the government of the District of Columbia, but shall not include the Senate, House of Representatives, or office of the Architect of the Capitol, or the officers or employees thereof. The words “continental United States” as used in sections 73b-1 and 73b-3 of this title shall be construed to mean the forty-eight States and the District of Columbia. The word “Government” shall be construed to include the government of the District of Columbia. The word “appropriation” shall be construed as including funds made available by legislation under section 849 of Title 31. (Aug. 2, 1946, ch. 744, § 18, 60 Stat. 811.)

**§ 73c-1. Repealed.** Aug. 2, 1946, ch. 744, § 2, 60 Stat. 807, eff. Nov. 1, 1946.

Section, act Oct. 10, 1940, ch. 848, 54 Stat. 1105, related to transportation of household goods and personal effects of civilian employees, and is now covered by section 73b-1 of this title.

**§ 73c-2. Same; availability of appropriations.**

Section, acts June 28, 1941, ch. 259, § 5, 55 Stat. 300; July 2, 1942, ch. 473, § 5, 56 Stat. 561, made available appropriations for transfer of household goods and effects authorized by former section 73c-1, and was omitted because of the repeal of said section 73c-1.

**§ 73d. Traveling expenses to and from Virgin Islands; transportation of bodies of deceased persons.**—The Secretary of the Interior is authorized to furnish to persons appointed from the continental United States for employment in the service of the United States in the Virgin Islands, and to persons who may be discharged without prejudice or, after a period of service of not less than one year, may resign from the service of the United States in the Virgin Islands, free transportation between a port in the United States and the post



of duty in the Virgin Islands. The Secretary of the Interior is further authorized to furnish to persons appointed from the continental United States and employed in the service of the United States in the Virgin Islands free transportation from the post of duty to a port in the continental United States and return for the purpose of taking leave, but not more frequently in the case of any persons than once during each two-year period of service.

The Secretary of the Interior is further authorized to provide free transportation of the bodies of deceased persons formerly appointed from the continental United States for employment in the service of the United States in the Virgin Islands, from the post of duty previously held in the Virgin Islands to such destination in the continental United States as may be requested by the deceased person's nearest relatives and/or friends. (June 5, 1936, ch. 526, 49 Stat. 1483.)

**Repeal.**—Insofar as the provisions of this section relating to subsistence may conflict with those of sections 821-833 of this title, they were repealed by section 829 of this title.

#### **§ 74. Expenses for subsistence; traveling on duty.**

**Increase in per diem.**—Under the authority of section 823 of this title per diem allowances are not to be in excess of \$6 per day within the continental limits of the United States, and an average of \$7 per day beyond the continental limits. Section 827 of this title expressly repeals any laws inconsistent with section 823 of this title.

**Repeal.**—Insofar as the provisions of this section relating to subsistence may conflict with those of sections 821-833 of this title, they were repealed by section 829 of this title.

**§ 77. Display of department name or branch of service on government motor vehicles in District of Columbia.**—All motor vehicles acquired and used for official purposes of the departmental service in the District of Columbia shall have conspicuously imprinted thereon at all times the full name of the executive department or other branch of the public service to which the same belong and in the service of which the same are used. (As amended Aug. 2, 1946, ch. 744, § 16 (b), 60 Stat. 810.)

Act Aug. 2, 1946, cited to text, repealed second paragraph of section 3 of act Mar. 18, 1904, 33 Stat. 142, which is now covered by section 78 of this title.

#### **§ 77a. Restrictions on use of government owned or leased motor vehicles; exceptions; definition.**

Section, acts June 27, 1944, ch. 286, Title II, § 202 (b), 58 Stat. 385, May 3, 1945, ch. 106, title II, § 202 (b), 59 Stat. 132; Mar. 28, 1946, ch. 113, title II, § 202 (b), 60 Stat. 79, omitted, as its provisions are now covered by section 78 (c) of this title.

**§ 78. Restrictions on purchase, operation, use and maintenance of passenger motor vehicles and aircraft—Purchase or hire of vehicles.**—(a) Unless specifically authorized by the appropriation concerned or other law, no appropriation shall be expended to purchase or hire passenger motor vehicles for any branch of the Government other than those for the use of the President of the United States, the secretaries to the President, or the heads of the executive departments enumerated in section 1 of this title.

Act Aug. 2, 1946, cited to text, amended section generally.

(b) **Aircraft.**—Excepting appropriations for the Military and Naval Establishments, no appropriation shall be available for the purchase, maintenance, or operation of any aircraft unless specific author-



ity for the purchase, maintenance, or operation thereof has been or is provided in such appropriation.

**(c) Maximum purchase price of vehicle; use for official purposes; penalties.**—Unless otherwise specifically provided, no appropriation available for any department shall be expended—

(1) to purchase any passenger motor vehicle (exclusive of busses, ambulances, and station wagons), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of the maximum price therefor, if any, established pursuant to law by a Government agency and in no event more than such amount as may be specified in an appropriation or other Act, which shall be in addition to the amount required for transportation;

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and “official purposes” shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned. Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned passenger motor vehicle or aircraft, or of any passenger motor vehicle or aircraft leased by the Government, for other than official purposes or otherwise violates the provisions of this paragraph shall be suspended from duty by the head of the department concerned, without compensation, for not less than one month, and shall be suspended for a longer period or summarily removed from office if circumstances warrant. The limitations of this paragraph shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in section 1 of this title, ambassadors, ministers, *chargés d'affaires*, and other principal diplomatic and consular officials.

**(d) Appropriation estimates.**—In the budgets for the fiscal year 1948 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase or hire of passenger motor vehicles or for purchase, maintenance, or operation of aircraft, specifying the sums required, the public purposes for which said conveyances are intended, the number of currently owned conveyances to be continued in use, and the officials or employees by whom all of such conveyances are to be used.

**§ 84. Annual or monthly compensation.**—Where the compensation of any person in the service of the United States (except persons whose compensation is computed in accordance with section 944 of this title) is annual or monthly the following rules for division of time and computation of pay for services rendered are established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to



the actual number of days in any calendar month, thus excluding the 31st of any calendar month from the computation and treating February as if it actually had thirty days. Any such person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the 30th day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: *Provided*, That for one day's unauthorized absence on the 31st day of any calendar month one day's pay shall be forfeited. (As amended June 30, 1945, ch. 212, title VI, § 604 (c), 59 Stat. 303.)

Act June 30, 1945, cited to text, amended section by inserting "except such persons \* \* \* of this title" following "United States" in first sentence, and by striking "Any person" and inserting in lieu thereof "Any such person" in second sentence.

**Effective date.**—Amendment of section by act June 30, 1945, cited to text, was made effective on July 1, 1945, by section 610 of said act June 30, 1945.

**§ 95a. Same; government officers and employees attending department hearings.**—Whenever a department is authorized by law to hold hearings and to subpoena witnesses for appearance at said hearings, witnesses summoned to and attending such hearings shall be entitled to the same fees and mileage, or expenses in the case of Government officers and employees, as provided by law for witnesses attending in the United States courts. (Aug. 2, 1946, ch. 744, § 10, 60 Stat. 809.)

**§ 116a. Awards to departmental personnel for meritorious suggestions; amount; honorary recognition of exceptional services; release of claim.**—The head of each department is authorized, under such rules and regulations as the President may prescribe, to pay cash awards to civilian officers and employees (or to their estates) who make meritorious suggestions which will result in improvement or economy in the operations of his department and which have been adopted for use and to incur necessary expenses for the honorary recognition of exceptional or meritorious service: *Provided*, That no award shall be paid to any officer or employee for any suggestion which represents a part of the normal requirements of the duties of his position. With the exception of the War and Navy Departments, the amount of any one award shall not exceed \$1,000 and the total of cash awards paid during any fiscal year in any department shall not exceed \$25,000. Payments may be made from the appropriation for the activity primarily benefiting or may be distributed among appropriations for activities benefiting as the head of the department determines. A cash award shall be in addition to the regular compensation of the recipient and the acceptance of such cash award shall constitute an agreement that the use by the United States of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the United States by him, his heirs or assigns. (Aug. 2, 1946, ch. 744, § 14, 60 Stat. 809.)

**Codification.**—Last paragraph of section 14 of act Aug. 2, 1946, cited to text, relating to repeal of conflicting laws, is set out as a note under this section.

**Repeals.**—Last paragraph of section 14 of act Aug. 2, 1946, cited to text, provided: "All other acts or parts of acts in conflict with the provisions of this section are hereby repealed."



**Cross references.**—Persons exempted from application of this section, see note under section 73a of this title.

**§ 118d–1. Same; vehicles, boats, accessories, equipment and other authorized articles.**—In purchasing motor-propelled or animal-drawn vehicles or tractors, or road, agricultural, manufacturing, or laboratory equipment, or boats, or parts, accessories, tires, or equipment thereof, or any other article or item the exchange of which is authorized by law, the head of any department or his duly authorized representative may exchange or sell similar items and apply the exchange allowances or proceeds of sales in such cases in whole or in part payment therefor: *Provided*, That any transaction carried out under the authority of this section shall be evidenced in writing. (June 26, 1943, ch. 145, title II § 203, 57 Stat. 195, as amended June 27, 1944, ch. 286, title II, § 203, 58 Stat. 385; May 3, 1945, ch. 106, title II, § 204, 59 Stat. 132; Mar. 28, 1946, ch. 113, title II, § 204, 60 Stat. 79; Aug. 2, 1946, ch. 744, § 8, 60 Stat. 808.)

Act Aug. 2, 1946, cited to text, made section applicable to any other articles the exchange of which is authorized by law.

Act May 3, 1945, cited to text, amended section by adding proviso.

**§ 118g. Clothing and equipment for protection of personnel.**—Appropriations available for the procurement of supplies and material or equipment shall be available for the purchase and maintenance of special clothing and equipment for the protection of personnel in the performance of their assigned tasks. (Aug. 2, 1946, ch. 744, § 13, 60 Stat. 809.)

## REORGANIZATION OF EXECUTIVE AND ADMINISTRATIVE AGENCIES

**§ 133y. Declaration of objects and purposes.**—(a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

- (1) to facilitate orderly transition from war to peace;
- (2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;
- (3) to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;
- (4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;
- (5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

- (6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of sections 133y to 133y–16 of this title, and can be accomplished more speedily thereby than by the enactment of specific legislation.

(c) It is the expectation of the Congress that the transfers, consolidations, coordinations, and abolitions under said sections shall



accomplish an overall reduction of at least 25 per centum in the administrative costs of the agency or agencies affected. (Dec. 20, 1945, ch. 582, title I, § 2, 59 Stat. 613.)

#### SHORT TITLE

Congress in enacting this legislation provided by section 1 of act Dec. 20, 1945, cited to text, that sections 133y to 133y-16 of this title should be popularly known as the 'Reorganization Act of 1945.'

**§ 133y-1. Powers and duties of President; preparation and contents of reorganization plan; submission to Congress.**—Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions,

is necessary to accomplish one or more of the purposes of section 133y (a) of this title, he shall prepare a reorganization plan for the making of the transfers, consolidations, coordinations, and abolitions, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, coordination, or abolition referred to in paragraph (1), (2), (3), (4), or (5) of this section and specified in the plan, he has found that such transfer, consolidation, coordination, or abolition is necessary to accomplish one or more of the purposes of section 133y (a) of this title. The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function specified in the plan the statutory authority for the exercise of such function. (Dec. 20, 1945, ch. 582, title I, § 3, 59 Stat. 613.)

**§ 133y-2. Additional contents of reorganization plans.**—Any reorganization plan transmitted by the President under section 133y-1 of this title—

(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more assistant heads of any agency (including an agency resulting from a consolidation) if the President finds, and



in his message transmitting the plan declares, that by reason of transfers, consolidations and coordinations made by the plan, the responsibilities and duties of such head are of such nature as to require such action. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of \$10,000 per annum, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate;

(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any transfer, consolidation, coordination, or abolition;

(4) shall make provision for the transfer of such unexpended balances of appropriations available for use in connection with any function or agency transferred, consolidated, or coordinated, as he deems necessary by reason of the transfer, consolidation, or coordination for use in connection with the transferred, consolidated, or coordinated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

(5) shall make provision for winding up the affairs of any agency abolished. (Dec. 20, 1945, ch. 582, title I, § 4, 59 Stat. 614.)

**§ 133y-3. Limitations on reorganization plans; agencies exempted; termination of power to effect reorganization.**—(a) No reorganization plan shall provide for, and no reorganization under sections 133y to 133y-16 of this title shall have the effect of—

(1) abolishing or transferring an executive department or all the functions thereof or establishing any new executive department; or

(2) changing the name of any executive department or the title of its head, or designating any agency as “Department” or its head as “Secretary”; or

(3) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(4) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

(5) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(6) imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise of independent judgment and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such function by the agency in which it was vested prior to the taking effect of such reorganization; except that this prohibition shall not prevent the abolition of any such function; or

(7) increasing the term of any office beyond that provided by law for such office.



(b) No reorganization plan shall provide for any reorganization affecting any agency named below in this subsection; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Interstate Commerce Commission, Federal Trade Commission, Securities and Exchange Commission, National Mediation Board, National Railroad Adjustment Board, and Railroad Retirement Board.

(c) No reorganization plan shall provide for any reorganization affecting any civil function of the Corps of Engineers of the United States Army, or of its head, or affecting such Corps or its head with respect to any such civil function. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection.

(d) No reorganization plan shall provide for a reorganization affecting any agency named below in this subsection if it also provides for a reorganization which does not affect such agency; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Federal Communications Commission, Federal Deposit Insurance Corporation, United States Tariff Commission, and Veterans' Administration.

(e) If, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies or transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under sections 133y to 133y-16 of this title shall have the effect of, changing the status of such agency in relation to other agencies or of abolishing any such transferred function or providing for its exercise by or under the supervision of any other agency.

(f) No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before April 1, 1948. (Dec. 20, 1945, ch. 582, title I, § 5, 59 Stat. 615.)

**§ 133y-4. Effective date of reorganization specified in plan.**—(a) The reorganizations specified in the plan shall take effect in accordance with the plan upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

(b) For the purposes of subsection (a)—

(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain; except that if a resolution (as defined in section 113y-11 of this title) with respect to such reorganization plan has been passed by one House



and sent to the other, no exclusion under this paragraph shall be made by reason of adjournments of the first House taken thereafter.

(c) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect. (Dec. 20, 1945, ch. 582, title I, § 6, 59 Stat. 616.)

**§ 133y-5. Definition of “agency.”**—When used in sections 133y to 133y-16 of this title, the term “agency” means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government. (Dec. 20, 1945, ch. 582, title I, § 7, 59 Stat. 616.)

**§ 133y-6. What constitutes a “reorganization.”**—For the purposes of sections 133y to 133y-16 of this title any transfer, consolidation, coordination, abolition, change or designation of name or title, disposition, winding up of affairs, or provision for the appointment and compensation of the head or assistant heads of an agency, referred to in sections 133y-1 or 133y-2 of this title, shall be deemed a “reorganization.” (Dec. 20, 1945, ch. 582, title I, § 8, 59 Stat. 616.)

**§ 133y-7. Effect of transfer or consolidation on statutes and regulations or other actions; definition; effect on pending legal proceedings.**—(a) (1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed, in respect of or by any agency or function transferred to, or consolidated or coordinated with, any other agency or function under the provisions of sections 133y to 133y-16 of this title, before the effective date of such transfer, consolidation, or coordination, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law, have the same effect as if such transfer, consolidation, or coordination had not been made; but where any such statute, regulation, or other action has vested functions in the agency from which the transfer is made under the plan, such functions shall, insofar as they are to be exercised after the transfer, be considered as vested in the agency to which the transfer is made under the plan.

(2) As used in paragraph (1) of this subsection the term “regulation or other action” means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization under the provisions of said sections, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization so effected or, if there be no such successor, against such agency or officer as the President shall designate. (Dec. 20, 1945, ch. 582, title I, § 9, 59 Stat. 617.)



**§ 133y-8. Effect on unexpended appropriations.**—The appropriations or portions of appropriations unexpended by reason of the operation of sections 133y to 133y-16 of this title shall not be used for any purpose, but shall be impounded and returned to the Treasury. (Dec. 20, 1945, ch. 582, title I, § 10, 59 Stat. 617.)

**§ 133y-9. Publication of reorganization plans.**—If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register. (Dec. 20, 1945, ch. 582, title I, § 11, 59 Stat. 617.)

**§ 133y-10. Rules of Senate and House of Representatives in case of resolutions on reorganization plans.**—Sections 133y-10 to 133y-16 of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 133y-11 of this title); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House. (Dec. 20, 1945, ch. 582, title II, § 201, 59 Stat. 617.)

**§ 133y-11. Definition of "resolution."**—As used in sections 133y-10 to 133y-16 of this title, the term "resolution" means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not favor the reorganization plan numbered        transmitted to Congress by the President on       , 19       .", the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan. (Dec. 20, 1945, ch. 582, title II, § 202, 59 Stat. 618.)

**§ 133y-12. Reference of resolution of reorganization plan to committee.**—A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. (Dec. 20, 1945, ch. 582, title II, § 203, 59 Stat. 618.)

**§ 133y-13. Discharge of committee considering reorganization plan resolution.**—(a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction (or, in the case of a resolution received from the other House, ten calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not



to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan. (Dec. 20, 1945, ch. 582, title II, § 204, 59 Stat. 618.)

**§ 133y-14. Procedure after report or discharge of committee; debate.**—(a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to. (Dec. 20, 1945, ch. 582, title II, § 205, 59 Stat. 618.)

**§ 133y-15. Decisions on motions to postpone or proceed to be without debate.**—(a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate. (Dec. 20, 1945, ch. 582, title II, § 206, 59 Stat. 618.)

**§ 133y-16. Procedure when one House, prior to passage of its resolution, receives resolution from other House on same plan.**—If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then —

(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 133y-13 (a) of this title) be made the subject of a motion to discharge.

(b) If a resolution of the first House with respect to such plan has been referred to committee—

(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received but

(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolu-



tion of the first House. (Dec. 20, 1945, ch. 582, title II, § 207, 59 Stat. 618.)

## REORGANIZATION PLAN NO. 3 OF 1946

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945 (secs. 133y to 133y-16 of this title).

\* \* \* \* \*

## PART V. DEPARTMENT OF AGRICULTURE

**§ 501. Functions of certain agencies of the Department of Agriculture.**—The following functions are hereby transferred to the Secretary of Agriculture and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he shall designate:

(a) All functions of the Agricultural Adjustment Administration and the Surplus Marketing Administration and of the respective heads of such Administrations.

(b) The administration of the programs of the Federal Crop Insurance Corporation and the Commodity Credit Corporation.

\* \* \* \* \*

## PART X. RECORDS, PROPERTY, PERSONNEL, AND FUNDS

§ 1001. **Transfer of records, property, personnel, and funds.**—There are hereby transferred to the respective agencies in which functions are vested pursuant to the provisions of this plan, to be used, employed, and expended in connection with such functions, respectively, or in connection with winding up the outstanding affairs of agencies abolished by this plan, (1) the records and property now being used or held in connection with such functions, (2) the personnel employed in connection with such functions, and (3) the unexpended balances of appropriations, allocations, or other funds available or to be made available for use in connection with such functions.

**§ 1002. Disposition of excess personnel.**—Any of the personnel transferred under this plan which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency by such plan shall be retransferred under existing law to other positions in the Government or separated from the service.

§ 1003. Dispositions by Director of the Bureau of the Budget.—Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the provisions of this part or in order to wind up the outstanding affairs relating to agencies or functions abolished by this plan shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

## DEPARTMENT OF AGRICULTURE

FUNCTIONS OF CERTAIN AGENCIES OF THE DEPARTMENT OF AGRICULTURE

To enable the Department of Agriculture to meet its responsibilities for food production and distribution during the war, there was early and continuing coordination of its programs directly concerned with these phases of the food problem. Beginning with Executive Order No. 9069 of February 23, 1942 [set out as a note under section 601 of Appendix to Title 50], those programs and agencies dealing with food production and distribution were gradually consolidated by a series of Executive orders issued under the authority of the First War Powers Act [sections 601-622 of Appendix to Title 50]. By Executive Order No. 9334 of April 19, 1943, they were all grouped into a War Food Administration, under a War Food Administrator.

When the fighting was drawing to a close and the emergency purposes of the War Food Administration had been largely accomplished, this Administration was terminated by Executive Order No. 9577 of June 29, 1945 [set out as a note under section 601 of Appendix to Title 50], and its functions and agencies were transferred back to the jurisdiction of the Secretary of Agriculture. Executive Order No. 9577 also authorized the Secretary of Agriculture to organize and



administer the transferred functions and agencies in the manner which he deemed best.

Under this authority the Secretary established the Production and Marketing Administration in August 1945. Into this Administration he consolidated the functions of many of the production and marketing agencies which were transferred back from the War Food Administration. Included were the functions of the Agricultural Adjustment Administration and the Surplus Marketing Administration and the administration of the programs of the Federal Crop Insurance Corporation and the Commodity Credit Corporation.

The plan transfers these functions to the Secretary of Agriculture, in order to permit him to continue the consolidation already effected in the Production and Marketing Administration. This provision makes it possible to maintain the close coordination and integration of food-production and distribution programs, with the resulting benefits that were achieved during the war. It also provides the Secretary with the necessary flexibility to make adjustments in the coordination and administration of these programs to meet changing conditions and new problems, a flexibility which he particularly needs at this period of acute food shortages throughout the world.

#### HEALTH SERVICES FOR EMPLOYEES [NEW]

**§ 150. Establishment of health service programs; conditions; review by Public Health Service; definition.**—For the purpose of promoting and maintaining the physical and mental fitness of employees of the Federal Government, the heads of departments and agencies, including Government-owned and controlled corporations are authorized, within the limits of appropriations made available therefor, to establish by contract or otherwise, health service programs which will provide health services for employees under their respective jurisdictions: *Provided*, That such health service programs shall be established only after consultation with the Public Health Service and consideration of its recommendations, and only in localities where there are a sufficient number of Federal employees to warrant the provision of such services, and shall be limited to (1) treatments of on-the-job illness and dental conditions requiring emergency attention; (2) preemployment and other examinations; (3) referral of employees to private physicians and dentists; and (4) preventive programs relating to health: *Provided further*, That the health program now being conducted by the Tennessee Valley Authority and by the Panama Canal and Panama Railroad Company shall not be affected by the provisions of this section: *And provided further*, That such health programs as are now being conducted for other Federal employees may be continued until June 30, 1947. The Public Health Service, when requested to do so, shall review the health service programs being conducted by any department or agency under authority of this section and shall submit appropriate comment and recommendations. Wherever the professional services of physicians are authorized to be utilized under this section, the definition of "physician" contained in section 790 of this title, shall be applicable. (Aug. 8, 1946, ch. 865, 60 Stat. 903.)

#### DEPARTMENT OF AGRICULTURE

**§ 520a. Stenographic reporting service.**—The Department of Agriculture is authorized to contract for stenographic reporting services. Sept. 21, 1944, c. 412, Title VII, § 705(b), 58 Stat. 742.

Provisions similar to this section were carried in Department of Agriculture Appropriation Acts for the following years: 1945—June 28, 1944, c. 296, § 1, 58 Stat. 426.



**§ 543b. Official expenses of employees stationed abroad.**

Provisions similar to this section were carried in Dept. of Agriculture appropriation acts for 1945—June 28, 1944, c. 296, § 1, 58 Stat. 426.

**§ 552a. Manufacture and sale of copies of bibliographies, photographic reproductions of books, and library supplies.**

Similar provision in 1945 appropriation act—June 28, 1944, ch. 296, § 1, 58 Stat. 429.

**§ 568. Construction limitation on buildings of Bureau of Agricultural and Industrial Chemistry.**—The cost of erecting any one building outside the District of Columbia by the Bureau of Agricultural and Industrial Chemistry shall not exceed \$7,500, and the cost of alterations to any one building shall not exceed \$500 or 2 per centum of the cost of the building as certified by the Secretary, whichever is greater. (June 28, 1944, ch. 296, § 1, 58 Stat. 441.)

Similar provisions for the Bureau of Agricultural Chemistry and Engineering have been carried in prior appropriation acts as follows:

1943—July 12, 1932, ch. 215, § 1, 57 Stat. 408.

1942—July 22, 1942, ch. 516, § 1, 56 Stat. 682.

1941—July 1, 1941, ch. 267, § 1, 55 Stat. 425.

1940—June 25, 1940, ch. 421, § 1, 54 Stat. 550.

1939—June 30, 1939, ch. 253, § 1, 53 Stat. 958.

**§ 568a. Construction and repair of buildings of Agricultural Research Administration.**—The several appropriations of the Agricultural Research Administration shall be available for the construction, alteration, and repair of buildings and improvements: *Provided*, however, That unless otherwise provided, the cost of constructing any one building (excepting headhouses connecting greenhouses) shall not exceed \$5,000, the total amount for construction of buildings costing more than \$2,500 each shall be within the limits of the estimates submitted and approved therefor, and the cost of altering any one building during the fiscal year shall not exceed \$2,500 or 2 per centum of the cost of the building as certified by the Research Administrator, whichever is greater. (May 5, 1945, ch. 109, § 1, 59 Stat. 142; June 22, 1946, ch. 445, § 1, 60 Stat. 276.)

**CIVIL SERVICE COMMISSION AND CLASSIFIED CIVIL SERVICE****§ 631. Regulation of admissions to civil service.**

Ex. Ord. 9695. Feb. 8, 1946, 11 F. R. 1559, revoked Ex. Ord. 9243, Sept. 12, 1943, which related to transfer and release of Federal personnel.

**§ 631b. Same; civil service status of incumbents of positions covered into civil service and of certain legislative branch employees.**—(a) The incumbent of any office or position which is covered into the classified civil service under the provisions of section 631a of this title shall not thereby acquire a classified civil-service status, except (1) upon a finding by the Civil Service Commission on the basis of the personal record of the incumbent that such incumbent has served with merit for not less than six months immediately prior to the date such office or position was covered into the classified civil service; and (2) upon passing such suitable noncompetitive examination as the Commission may prescribe: *Provided*, That any such incumbent shall be given only one such non-competitive examination: *Provided further*, That any such incumbent who fails to pass the non-competitive examination provided in his case shall be separated from



the service not later than six months after the Commission advises the appointing officer that such employee has failed.

The appointment of any person occupying any position covered into the apportioned civil service in the District of Columbia under the provisions of section 631a of this title shall be charged to the apportionment of his State. As used in this section "State" includes a Territory and the District of Columbia.

(b) From and after November 26, 1940, any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable non-competitive examination as the Civil Service Commission may prescribe, a classified civil service status for transfer to a position in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided*, That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in sections 631a, 631b, 632, 635, 669, 681–684 of this title shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder. In the case of an individual who shall have held such a position in the legislative branch for at least two years and who shall have been separated from such position for the purpose of entering the military or naval service, such individual shall be deemed, for the purposes of this subsection to have held such position during the period within which he shall have served in the military or naval forces. Nov. 26, 1940, c. 919, Title I, § 2, 54 Stat. 1212, as amended Dec. 28, 1945, c. 603, 59 Stat. 666; Feb. 12, 1946, c. 3, 60 Stat. 3.

#### AMENDMENTS

1945—Subsec. (a) (1) amended by act Dec. 28, 1945, cited to text, which substituted "upon a finding \* \* \* of the incumbent" in lieu of "upon recommendation by the head of the agency concerned within one year after such office or position has been covered into the classified civil service, and certification within such period by such head to the Civil Service Commission that" in clause (1). Subsec. (b) amended by act Feb. 12, 1946, cited to text, which added last sentence beginning "in the case \* \* \*".

#### **§ 645a. Benefits to employees ineligible for earlier appointment because of military service; persons excluded.—**

(a) Any person—  
(1) whose name appeared on any list of eligibles either (A) at any time between May 1, 1940, and March 16, 1942, with respect to a position the rate of compensation of which is determined by sections 661–663, 664–673, and 674 of this title, sections 6a–6c of Title 19, or the second paragraph of section 109 of Title 8, or (B) at any time between May 1, 1940, and October 23, 1943, with respect to a position in the field service of the Post Office Department, or (C) at any time between May 1, 1940, and August 1, 1946, with respect to positions of officers and members of the Metropolitan Police or of the Fire Department of the District of Columbia, and officers and members of the United States Park Police and the White House Police; and

(2) who, pursuant to Executive Order Numbered 9538, dated April 13, 1945, or regulations of the Civil Service Commission covering simi-



lar situations in which an eligible lost opportunity for probational appointment because of military service during World War II, was certified for probational appointment to such position, and, subsequently, was given such appointment,

shall, for the purpose of (A) determining his rate of compensation and (B) his seniority rights in the postal field service, be held to have been appointed to such position as of the earliest date on which an eligible standing lower on the same list of eligibles received a probational appointment therefrom: *Provided, however*, That no regular employee in the postal field service shall be reduced to substitute status by reason of the enactment of this section and section 645b of this title.

(b) No person shall be entitled to the benefits of this section who has reenlisted after June 1, 1945, in the Regular Military Establishment or after February 1, 1945, in the Regular Naval Establishment. (July 31, 1946, ch. 714, § 1, 60 Stat. 749.)

**References in text.**—Executive Order Numbered 9538 dated April 13, 1945, referred to in paragraph (2) of this section, is set out in 10 F. R. 4057.

**Effective date.**—Section 3 of act July 31, 1946, cited to text, provided: "This Act [sections 645a and 645b of this title] shall take effect on the first day of the calendar month following the calendar month in which it is enacted."

**§ 645b. Same; period of compensation.**—No person shall, by reason of the enactment of section 645a of this title, be entitled to any compensation for any period prior to August 1, 1946. (July 31, 1946, ch. 714, § 2, 60 Stat. 749.)

#### CLASSIFICATION OF CIVILIAN POSITIONS

**§ 663. Rules and regulations; classification; establishment of compensation rates for classes of positions within grade; report to Congress; application and effect of actions by Civil Service Commission.**

\* \* \* \* \*

In subdividing any grade into classes of positions, as provided in the foregoing paragraph, the Civil Service Commission, whenever it deems such action warranted by the nature of the duties and responsibilities of a class of positions in comparison with other classes in the same grade, and in the interests of good administration, is authorized to establish for any such class a minimum rate, which shall be one of the pay rates, but not in excess of the middle rate, of that grade as set forth in section 673 of this title. Whenever the Commission shall find that within the same Government organization and at the same location gross inequities exist between basic per annum rates of pay fixed for any class of positions under sections 661-663, 664-673 and 674 of this title and the compensation of employees whose basic rates of pay are fixed by wage boards or similar administrative authority serving the same purpose, the Commission is empowered, in order to correct or reduce such inequities, to establish as the minimum rate of pay for such class of positions any rate not in excess of the middle rate within the range of pay fixed by said sections for the grade to which such class of positions is allocated. For the purposes of this section the fourth rate of a six-rate grade shall be considered to be the middle rate of that grade. Minimum rates established under this



paragraph shall be duly published by regulation and, subject to the foregoing provisions, may be revised from time to time by the Commission. The Commission shall make a report of such actions or revisions with the reasons therefor to Congress at the end of each fiscal year. Actions by the Civil Service Commission under this paragraph shall apply to both the departmental and field services and shall have the force and effect of law. (As amended June 30, 1945, ch. 212, title IV, § 401, 59 Stat. 298.)

## AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by adding cited par.

## EFFECTIVE DATE

Amendment of section by act June 30, 1945, cited to text, was made effective on July 1, 1945, by section 610 of said act June 30, 1945.

**§ 667. Increases in compensation.**

\*            \*            \*            \*            \*            \*            \*

(b) All employees compensated on a per annum basis, and occupying permanent positions within the scope of the compensation schedules fixed by sections 661–663, 664–673, and 674 of this title, who have not attained the maximum rate of compensation for the grade in which their positions are respectively allocated, shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period following the completion of (1) each twelve months of service if such employees are in grades in which the compensation increments are less than \$200, or (2) each eighteen months of service if such employees are in grades in which the compensation increments are \$200 or more, subject to the following conditions:

(1) That no equivalent increase in compensation from any cause was received during such period, except increase made pursuant to subsection (f) of this section;

(2) That an employee shall not be advanced unless his current efficiency is “good” or better than “good”;

(3) That the service and conduct of such employee are certified by the head of the department or agency or such official as he may designate as being otherwise satisfactory; and

(4) That any employee, (A) who, while serving under permanent, war service, temporary, or any other type of appointment, has left his position to enter the armed forces or the merchant marine, or to comply with a war transfer as defined by the Civil Service Commission, (B) who has been separated under honorable conditions from active duty in the armed forces, or has received a certificate of satisfactory service in the Merchant Marine, or has a satisfactory record on war transfer, and (C) who, under regulations of the Civil Service Commission or the provisions of any law providing for restoration or reemployment, or under any other administrative procedure with respect to employees not subject to civil service rules and regulations, is restored, reemployed, or reinstated in any position subject to this section, shall upon his return to duty be entitled to within-grade salary advancements without regard to paragraphs (2) and (3) of this subsection, and to credit such service in the armed forces, in the merchant marine, and on war transfer, toward such



within-grade salary advancements. As used in this paragraph the term "service in the merchant marine" shall have the same meaning as when used in sections 1471-1475 of appendix to title 50.

(c) The term "good" as used in this section shall be defined in accordance with the systems of efficiency rating established pursuant to section 669 of this title.

(d) For the purposes of this section, the fourth salary rate in grades 2 and 3 of the custodial service shall be considered the middle rate.

(e) Employees eligible under subsection (b) for compensation advancement by reason of service immediately preceding the effective date of this amendment shall be advanced to the next higher rate of compensation within the grade to which their positions are respectively allocated at the beginning of the next quarter immediately following the effective date of this amendment.

(f) Within the limit of available appropriations, as a reward for superior accomplishment, under standards to be promulgated by the Civil Service Commission, and subject to prior approval by the Civil Service Commission, or delegation of authority as provided in subsection (g), the head of any department or agency is authorized to make additional within-grade compensation advancements, but any such additional advancements shall not exceed one step and no employee shall be eligible for more than one additional advancement hereunder within each of the time periods specified in subsection (b). All actions under this subsection and the reasons therefor shall be reported to the Civil Service Commission. The Commission shall present an annual consolidated report to the Congress covering the numbers and types of actions taken under this subsection.

(g) The Civil Service Commission is authorized to issue such regulations as may be necessary for the administration of this section. In such regulations the Commission is empowered, in its discretion, to delegate to the head of any department or agency, or his designated representative, the authority to approve additional within-grade compensation advancements provided for in subsection (f), without prior approval in individual cases by the Commission. The Commission is also authorized to withdraw or suspend such authority from time to time, whenever post-audit of such actions by the Commission indicates that standards promulgated by the Commission have not been observed.

(h) The provisions of subsections (b)-(f), both inclusive, of this section shall not apply to the compensation of persons appointed by the President, by and with the advice and consent of the Senate. (As amended Aug. 1, 1941, ch. 346, § 2, 55 Stat. 613; June 30, 1945, ch. 212, title IV, §§ 402-404, 59 Stat. 299.)

#### AMENDMENTS

1945—Subsec. (b) amended generally by act June 30, 1945, cited to text.

Subsec. (f), amended by act June 30, 1945, cited to text, which struck out "and in recognition of especially meritorious services", and inserted in lieu thereof "as a reward \* \* \* in subsection (g)".

Subsec. (g), amended generally by act June 30, 1945, cited to text.

#### EFFECTIVE DATE

Amendment of section by act June 30, 1945, cited to text, was made effective on July 1, 1945, by section 610 of said act June 30, 1945.



**§ 669a. Same; uniformity of administration; rules and regulations.**—No employee in any civilian position in the executive branch of the Government of the United States, other than an employee in or under the field service of the Post Office Department or any employee of the Tennessee Valley Authority, shall be rated as to efficiency except under a system of efficiency ratings approved by the Civil Service Commission, and that the provisions of section 669 of this title, shall apply to all efficiency ratings under rating systems approved by the Civil Service Commission.

The Civil Service Commission is authorized to make and publish rules and regulations for the administration of the provisions of this section. (July 31, 1946, ch. 720, § 1, 60 Stat. 751.)

**Effective date.**—Section 2 of act July 31, 1946, cited to text, provided: "The provisions of this act [this section] shall be effective upon enactment, except that with respect to employees in the field services whose positions are not subject to the Classification Act of 1923, as amended [sections 661–663, 664–669, 670–672, 673, and 674 of this title], such of the provisions of section 9 of the Classification Act of 1923, as amended [section 669 of this title], as require the Civil Service Commission to approve reductions in compensation and dismissals for inefficiency, or confer the right to a hearing and review of efficiency ratings by boards of review, shall not become effective until such boards of review in the field services are established as provided in section 7 of the act of Nov. 26, 1940 (54 Stat. 1215) [section 669 of this title], under regulations prescribed by the Civil Service Commission, with the approval of the President."

**§ 672a. Increase in basic rates of compensation.**—Each of the existing rates of basic compensation set forth in section 673 of this title, except those of charwomen working part time, head charwomen, and positions in the clerical-mechanical services in Grades 1–4, is increased by 20 per centum of that part thereof which is not in excess of \$1,200 per annum, plus 10 per centum of that part thereof which is in excess of \$1,200 per annum but not in excess of \$4,600 per annum, plus 5 per centum of that part thereof which is in excess of \$4,600 per annum. Such augmented rates shall be considered to be the regular basic rates of compensation provided by section 673 of this title.

The increase in existing rates of basic compensation provided by this section and those for charwoman working part time, head charwomen and positions in the clerical-mechanical services in Grades 1–4 shall not be construed to be an "equivalent increase" in compensation within the meaning of section 667 (b) (1) of this title. (June 30, 1945, ch. 212, title IV, § 405 (a, c), 59 Stat. 300, 301.)

**§ 672b. Additional increases in basic rates of compensation.**—Each of the existing rates of basic compensation provided by section 673 of this title, except those of charwomen working part time, head charwomen, and persons in the clerical-mechanical service in Grades 1–4, is increased by 14 per centum of \$250.00 per annum whichever is the greater except that no such rate shall be increased by more than 25 per centum. Such augmented rates shall be considered to be the regular rates of basic compensation provided by section 673 of this title.

The increase in existing rates of basic compensation provided by this section and for charwomen working part time, head charwomen and persons in the Clerical-Mechanical Service in Grades 1–4 shall not be construed to be an "equivalent increase" in compensation within the meaning of section 667 (b) (1) of this title. (May 24, 1946, ch. 270, § 2 (a, c), 60 Stat. 216.)



**Codification.**—Section which is composed of subsecs. (a) and (c) of section 2 of act May 24, 1946, cited to text, was enacted as a part of the Federal Employees Pay Act of 1946 and not as a part of the Classification Act of 1923 which is set out as sections 661-663, 664-673 and 674 of this title.

**Short title.**—Congress by section 1 of act May 21, 1946, cited to text, provided that sections 672b, 672c, 673, 902, 912, 921, 922, 931, 932, 933a, 934, 935, 942a, 942b, 943, 943a, 946, and 947 of this title should be popularly known as "The Federal Employees Pay Act of 1946."

**Effective date.**—Section 16 of act May 24, 1946, provided that "This act [sections 672b, 672c, 673, 902, 912, 921, 922, 931, 932, 933a, 934, 935, 942a, 942b, 943, 943a, 946, and 947 of this title], except section 14 (b) [subsection (b) of section 947 of this title], shall take effect on July 1, 1946."

**Appropriations.**—Section 15 of act May 24, 1946, cited to text, provided that "There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act [sections 672b, 672c, 673, 902, 912, 921, 922, 931, 932, 933a, 934, 935, 942a, 942b, 943, 943a, 946, and 947 of this title]."

**§ 672c. Same; application to certain grades of Crafts, Protective, and Custodial Service.**—With respect to grades 9 and 10 of the Crafts, Protective, and Custodial Service set forth in section 673 of this title, the increase in rates of basic compensation provided by section 672b of this title shall be computed on the rates of basic compensation established for such grades (May 24, 1946, ch. 270, § 12 (c), 60 Stat. 219.)

Section was enacted as a part of the Federal Employees Pay Act of 1946 and not as a part of the Classification Act of 1923, which is set out as sections 661-663, 664-673, and 674 of this title.

Effective date, see note set out under section 672b of this title.

**§ 673. Compensation schedules enumerated.**—The compensation schedules shall be as follows:

*	*	*	*	*	*	*
CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE						
*	*	*	*	*	*	*

Grade 16 in this service, which may be referred to as the special executive grade, shall include all positions which are or may be specifically authorized or appropriated for at annual rates of compensation in excess of \$9,000.

CRAFTS, PROTECTIVE, AND CUSTODIAL SERVICE

The crafts, protective, and custodial service shall include all classes of positions the duties of which are to supervise or perform the work of an apprentice, helper, or journeyman in a recognized trade or craft, or other skilled mechanical craft, or the work of an unskilled or skilled laborer, or police or fire protection work, or domestic or other manual or mechanical work involved in the protection, operation, or maintenance of public buildings, premises, and equipment; the transportation of public officers, employees, and property; the transmission of official papers; the guarding of persons in the custody of the Government, and caring for their domestic needs and those of persons in the employ or care of the Government.

Grade 1 in this service, which may be referred to as the junior messenger grade, shall include all classes of positions, the duties of which are to run errands, to check parcels, or to perform other light manual or mechanical tasks with little or no responsibility.



The annual rates of compensation for positions in this grade shall be \$720, \$780, \$840, \$900, and \$960.

Grade 2 in this service, which may be referred to as the Office-laborer grade, shall include all classes of positions the duties of which are to handle desks, mail sacks, and other heavy objects, and to perform similar work ordinarily required of unskilled laborers; to operate elevators; to clean office rooms; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$1,200, \$1,260, \$1,320, \$1,380, \$1,440, and \$1,500: *Provided*, That charwomen working part time be paid at the rate of 78 cents an hour, and head charwomen at the rate of 83 cents an hour.

Grade 3 in this service, which may be referred to as the minor crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, custodial, or manual office work with some degree of responsibility, such as operating paper-cutting, canceling, envelope-opening, or envelope-sealing machines; firing and keeping up steam in boilers used for heating purposes in office buildings, cleaning boilers, and oiling machinery and related apparatus; operating passenger or freight automobiles; packing goods for shipment; supervising a large group of charwomen; running errands and doing light manual or mechanical tasks with some responsibility; carrying important documents from one office to another; or attending the door and private office of a department head or other public officer.

The annual rates of compensation for positions in this grade shall be \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, and \$1,620.

Grade 4 in this service, which may be referred to as the under crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to perform, under general supervision, custodial work of a responsible character, such as guarding office or storage building; supervising a small force of unskilled laborers; firing and keeping up steam in heating apparatus and operating the boilers and other equipment used for heating purposes; or performing general, semimechanical, new, or repair work requiring some skill with hand tools.

The annual rates of compensation for positions in this grade shall be \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, \$1,800, and \$1,860.

Grade 5 in this service, which may be referred to as the junior crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to directly supervise a small detachment of watchmen or building guards; to supervise the operation and maintenance of a small heating plant and its auxiliary equipment; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$1,680, \$1,740, \$1,800, \$1,860, \$1,920, \$1,980, and \$2,040.

Grade 6 in this service, which may be referred to as the assistant crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to have general supervision over a small force of watchmen or building guards, or to have direction of a considerable detachment of such employees; to supervise a large force of unskilled laborers; to repair office appliances; or to perform other work of similar character.



The annual rates of compensation for positions in this grade shall be \$1,860, \$1,920, \$1,980, \$2,040, \$2,100, \$2,160, and \$2,220.

Grade 7 in this service, which may be referred to as the main crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to supervise the work of skilled mechanics; to supervise the operation and maintenance of a large heating, lighting, and power plant and all auxiliary mechanical and electrical devices and equipment; to assist in the supervision of large forces of watchmen and building guards, or to have general supervision over smaller forces; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$2,040, \$2,100, \$2,160, \$2,220, \$2,300, \$2,400, and \$2,500.

Grade 8 in this service, which may be referred to as the senior crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a small building, or to assist in the direction of such employees when engaged in similar duties in a large building; to have general supervision over large forces of watchmen and building guards; or to perform other work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be \$2,200, \$2,300, \$2,400, \$2,500, \$2,600, \$2,700, and \$2,800.

Grade 9 in this service, which may be referred to as the principal custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a large building, or to assist in the direction of such employees when engaged in similar duties in a group of buildings; or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be \$2,870, \$2,980, \$3,090, \$3,200, \$3,310, \$3,420, and \$3,530.

Grade 10 in this service, which may be referred to as the chief custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a group of buildings, or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be \$3,200, \$3,310, \$3,420, \$3,530, \$3,640, \$3,750, and \$3,860.

\* \* \* \* \*

#### CLERICAL-MECHANICAL SERVICE

The clerical-mechanical service shall include all classes of positions which are not in a recognized trade or craft and which are located in the Bureau of Engraving and Printing, the mail equipment shop, the duties of which are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations.



Grade 1 shall include all classes of positions in this service the duties of which are to perform the simpler operations or processes requiring special skill and experience.

The rates of compensation for classes of positions in this grade shall be 90 to 97 cents an hour.

Grade 2 shall include all classes of positions in this service the duties of which are to operate simple machines or to perform operations or processes requiring a higher degree of skill than those in grade 1.

The rates of compensation for classes of positions in this grade shall be \$1.04 to \$1.12 an hour.

Grade 3 shall include all classes of positions in this service the duties of which are to operate machines or to perform operations or processes requiring the highest degree of skill, or supervise a small number of subordinates.

The rates of compensation for classes of positions in this grade shall be \$1.20 to \$1.27 an hour.

Grade 4 shall include all classes of positions in this service the duties of which are to perform supervisory work over a large unit of subordinates.

The rates of compensation for classes of positions in this grade shall be \$1.35 to \$1.49 an hour.

The heads of the several executive departments and independent establishments of the Government whose duty it is to carry into effect the provisions of this section are hereby directed to so administer the same that the positions and employees affected herein shall retain in the classification schedules herein provided the same relative position or positions within their respective grades as they held on July 1, 1928: *Provided*, That nothing herein shall prevent the promotion or allocation for an employee to a higher grade: *Provided further*, That nothing contained in this section shall operate to decrease the pay of any present employee, nor deprive any employee of any advancement authorized by law and for which funds are available.

Whenever in any case the basic qualifications of any already existing grade or subdivision of a service are by this section made the basic qualifications of a higher grade or subdivision, the positions of all-employees in said existing grade or subdivision are by this section advanced to said higher grade or subdivision of a service. (June 30, 1945, ch. 212, title IV, § 405 (b), 59 Stat. 300; May 24, 1946, ch. 270, §§ 2 (b), 12 (a, b), 60 Stat. 216, 219.

#### AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by increasing the hourly wage of charwomen working part time from “65 cents” to “78 cents” and head charwomen from “70 cents” to “83 cents” in the proviso to the fifth paragraph under heading “Crafts, Protective and Custodial Service”, and by increasing the hourly rate of Grade 1 from “55 to 60 cents” to “78 to 85 cents”, Grade 2 from “65 to 70 cents” to “91 to 98 cents”, Grade 3 from “75 to 80 cents” to “\$1.05 to \$1.11”, and Grade 4 from “85 to 95 cents” to “\$1.18 to \$1.31” under heading “Clerical-Mechanical Service”.

Act May 24, 1946, cited to text, amended section by increasing the hourly wage of charwomen working part time from “78 cents” to “90 cents” and head charwomen from “83 cents” to “95 cents” in the proviso to the fifth paragraph under the heading “Crafts, Protective, and Custodial Service”, by increasing the hourly rate of Grade 1 from “78 to 85 cents” to “90 to 97 cents”, Grade 2 from “91 to 98 cents” to “\$1.04 to \$1.12”, Grade 3 from “\$1.05 to \$1.11” to “\$1.20 to \$1.27”, and Grade 4 from “\$1.18 to \$1.31” to “\$1.35 to \$1.49” under heading “Clerical-



Mechanical Service", by increasing the rates of compensation for Grade 9 from "\$2300, \$2400, \$2500, \$2600, \$2700, \$2,800 and \$2,900" to "\$2,870, \$2,980, \$3,090, \$3,200, \$3,310, \$3,420, and \$3,530", and for Grade 10 from "\$2,600, \$2,700, \$2,800, \$2,900, \$3,000 \$3,100, \$3,200" to "\$3,200, \$3,310, \$3,420, \$3,530, \$3,640, \$3,750, and \$3,860" under heading "Crafts Protective, and Custodial Service".

**§ 681. Extension of Classification Act by President.—(a) Extension of chapter to position in agencies of Government.**—Subject to the limitations contained in this section, whenever the President, after such classification and compensation surveys or investigations as he may direct the Commission to undertake, and upon consideration of the Commission's resulting reports and recommendations, shall find and declare that an extension of the provisions of sections 661-673 and 674 of this title, to any offices or positions in the agencies of the Government is necessary to the more efficient operation of the Government, he may by Executive order extend the provisions of sections 661-673 and 674 of this title, to any such offices or positions not at the time subject to such provisions: *Provided*, That in the case of any federally owned and controlled corporation organized under the laws of any State, Territory, or possession of the United States (including the Philippine Islands), or the District of Columbia, the President is authorized to direct that such action be taken as will permit the compensation of such offices or positions to be fixed in accordance with sections 661-673 and 674 of this title, consistently with the laws of any such State, Territory, or possession, or the District of Columbia, or with the charter or articles of incorporation of any such corporation.

**(b) Prescription of additional classification services and grades where necessary.**—Whenever the President, upon report and recommendation by the Commission, shall find and declare that one or more officers or positions to which sections 661-673 and 674 of this title, as extended, is applicable, may not fairly and reasonably be allocated to the professional and scientific service, the subprofessional service, the clerical, administrative, and fiscal service, the custodial service, or the clerical-mechanical service, as described in sections 661-673 and 674 of this title, he may by Executive order prescribe and define such additional classification services and grades thereof as he may deem necessary and shall describe, and fix the ranges of compensation for, the grades of such services within the limits of sections 661-673 and 674 of this title, so that they shall be comparable, as nearly as may be, with the grades in said sections, for offices or positions that are comparable as to duties, responsibilities, qualifications required, and other conditions of employment.

**(c) Establishment of necessary schedules of differentials in rates prescribed by compensation schedules.**—Whenever the President, upon report and recommendation by the Commission, shall find and declare that the rates of the compensation schedules of sections 661-673 and 674 of this title are inadequate for any offices or positions under such sections, as extended, he may by Executive order establish necessary schedules of differentials in the rates prescribed in such compensation schedules, but the differentials in the compensation of any such office or position shall not exceed 25 per centum of the minimum rate of the grade to which such office or position is allocated under such compensation schedules: *Provided*, That the provisions of this subsection shall be applicable only to such offices or positions having the following characteristics:



Offices or positions which are located at stations that are isolated, remote, or inaccessible when compared with stations at which offices or positions of the same character are usually located, or which involve physical hardships or hazards that are excessive when compared with those usually involved in offices or positions of the same character, or which are located outside the States of the United States and the District of Columbia: *Provided further*, That nothing herein contained shall preclude the Commission from taking the factor of isolation, hardship, hazard, or foreign service into consideration in allocating a given class of offices or positions to a service and grade under sections 661–673 and 674 of this title, if such factor is uniformly involved in each office or position in the class, in which event no differential is authorized under this section.

**(d) Offices and positions excepted from section.**—Except as Congress may otherwise provide by law, the power granted to the President by this section shall not apply to the following:

(i) Offices or positions in the Postal Service the compensation of which is fixed under an Act of Congress approved February 28, 1925 (43 Stat. 1033),<sup>1</sup> as amended;

(ii) Offices or positions of teachers, librarians, school-attendance officers, and employees of the community-center department under the Board of Education of the District of Columbia, the compensation of which is fixed under an Act of Congress approved June 4, 1924 ([ch. 250] 43 Stat. 367), as amended;

(iii) Offices or positions in the Metropolitan Police, in the Fire Department of the District of Columbia, and in the United States Park Police, the compensation of which is fixed under an Act of Congress approved July 1, 1930 ([ch. 783] 46 Stat. 829);

(iv) Commissioned officers and enlisted personnel in the military and naval services and the Coast Guard, and commissioned officers in the Public Health Service and the Coast and Geodetic Survey, the compensation of which is fixed under section 73 of this title, sections 292, 332, 362, 363, 386, 633, 683, 692, 912, 972–973a, 982, 1012, 1133, and 1146 of Title 10, sections 121, 163, and 166 of Title 14, sections 351, 357, 423, 641, 865, 867, 879b, and 911 of Title 34, and sections 1–3, 4–8, 9, 10, 11–13, 14, 15–21, 22–29, 30, and 31 of Title 37;

(v) Offices or positions in the Government Printing Office the compensation of which is fixed under section 40 of Title 44;

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<sup>1</sup> So in original. The Act on 43 Stat. 1033, was approved Feb. 27, 1925, and is not relevant. Reference is probably intended to act Feb. 28, 1925, ch. 368, 43 Stat. 1053. See Tables for disposition in the Code.

Subsec. (d) (vi) amended by act Aug. 13, 1946, cited to text, which substituted “Officers \* \* \* Foreign Service” for provisions relating to officers or positions whose compensation was fixed by other laws.

Subsec. (d) (vii) omitted by act Aug. 13, 1946, cited to text.

Subsec. (d) (viii) was amended by acts Aug. 1, 1941; Aug. 1, 1942, both cited to text. Act Aug. 1, 1941, omitted “verifiers, openers, packers, guards, inspectors, station inspectors”. Act Aug. 1, 1942, omitted “and laborers” after “clerks”.

Appropriations, repeal, effective date relative to amendment of Aug. 1, 1941, see note under section 667 of this title.

**Effective date.**—Amendment of section by act Aug. 13, 1946, cited to text, was made effective three months after Aug. 13, 1946, by section 1141 of said act Aug. 13, 1946.



(vi) Offices or positions of officers and employees of the Foreign Service.

(vii) Omitted. Aug. 13, 1946, ch. 957, Title IV, § 446, 60 Stat. 1006.

(viii) Offices or positions of clerks in the Customs Service of the Treasury Department, the compensation of which is fixed under sections 6a-6d of Title 19;

(ix) Offices or positions of inspectors in the Immigration and Naturalization Service of the Department of Labor the compensation of which is fixed under section 109 of Title 8;

(x) Offices or positions the duties of which are to serve as an officer or member of the crew of a vessel, except that the President may by Executive order extend the provisions of sections 661-673 and 674 of this title, to offices or positions in the Bureau of Lighthouses;

(xi) Offices or positions the duties of which are to perform the work of an apprentice, helper, or journeyman in a recognized trade or craft, or other skilled mechanical craft, or the work of an unskilled, semi-skilled, or skilled laborer, except that whenever such offices or positions involve work in the regular custody, operation, or maintenance of a Government building, or other Government property, or work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical character, the President upon a finding that the characteristics and working conditions of such offices or positions render them substantially the same as comparable offices or positions in the District of Columbia included within sections 661-673 and 674 of this title, may by Executive order extend the provisions of such sections to include them; and

(xii) Offices or positions in the Tennessee Valley Authority.

**(e) Prohibition against racial, religious, or color discrimination.**—In carrying out the provisions of sections 681-684 of this title, and the provisions of sections 661-663, 664-673, and 674 of this title there shall be no discrimination against any person, or with respect to the position held by any person, on account of race, creed, or color. (Nov. 26, 1940, ch. 919, title II, § 3, 54 Stat. 1212, as amended Aug. 1, 1941, ch. 346, § 5 (a), 55 Stat. 615; Aug. 1, 1942, ch. 543, § 2 (b), 56 Stat. 735; Aug. 13, 1946, ch. 957, title IV, § 446, 60 Stat. 1006.)

“(c) Nothing contained in this section shall be construed to decrease the existing compensation of any employee, but when his position shall become vacant it shall be filled in accordance with the regular compensation schedule applicable to such position.”

Subsecs. (c) and (d) of section 2 of act Aug. 1, 1942, cited to text, provided as follows:

“(c) Upon the passage of this act, the Secretary of the Treasury shall allocate to the services and grades of the compensation schedules of the Classification Act of 1923, as amended [this chapter], the positions of laborers heretofore covered by the act of May 29, 1928 (45 Stat. 955) [sections 6a-6d of Title 19], as amended, in the same manner as other positions in the field service of the Treasury Department are allocated under section 2 of the act of July 3, 1930 (46 Stat. 1005).

“(d) Nothing contained in subsections (b) or (c) of this section shall be construed to decrease the existing compensation of any employee, but when his position shall become vacant it shall be filled in accordance with the regular compensation schedule applicable to such position.”

Field positions in grades affected by act Aug. 1, 1942, cited to text, adjustment of compensation by department heads, see note under section 678 of this title.

Sums sufficient to carry out the provisions of act Aug. 1, 1942, cited to text, were appropriated by section 4 of said act.



## RETIREMENT OF CIVIL SERVICE EMPLOYEES

**§ 691. Voluntary retirement; involuntary retirement of disqualified employees; annuity payments after certain periods of service.**—(a) All officers and employees to whom this chapter applies who shall have attained, or shall hereafter attain the age of seventy years and have rendered at least fifteen years of service computed as prescribed in section 707 of this title shall be eligible for retirement on an annuity as provided in section 698 of this title.

(b) Any officer or employee to whom this chapter applies who shall have attained, or shall hereafter attain the age of sixty years and have rendered at least thirty years of service computed as prescribed in section 707 of this title, or who shall have attained, or shall hereafter attain the age of sixty-two years and have rendered at least fifteen years of such service may, upon his own option, retire and shall be paid an annuity computed as provided in section 698 of this title.

(c) The head of a department or independent Government agency concerned may request the retirement of any such officer or employee described in subsection (b) of this section who, by reason of a disqualification is unable to perform satisfactorily and efficiently the duties of his position or some other position of the same grade or class as that occupied by the employee and to which he could be assigned. No such request shall be submitted to the Civil Service Commission unless and until the said officer or employee has been notified in writing of the proposed retirement. Each such officer or employee shall, upon request by him, have opportunity for a hearing before the Civil Service Commission, at which hearing the officer or employee may appear in person or he may be represented by a person of his choice. No such officer or employee shall be so retired unless the Civil Service Commission after examination finds that he is so disqualified. The determination of the Civil Service Commission as to whether the officer or employee shall be retired under this subsection shall be final and conclusive. Any person so retired shall be paid an annuity computed as provided in section 698 of this title. Nothing in this subsection shall be deemed to authorize any person to request the retirement of any officer or employee in the legislative branch of the Government within the classes of officers and employees which were made eligible for the benefits of this chapter by sections 693b–693d, 698b, 715d, and 719a of this title, or any employee of the office of the Architect of the Capitol.

(d) Any officer or employee who has completed thirty years of service computed in accordance with the provisions of section 707 of this title and who has reached or may hereafter reach the age of fifty-five years may voluntarily retire and shall be paid an immediate life annuity beginning on the first day of the month following the date of separation from the service having a value equal to the present worth of a deferred annuity at the age of sixty years computed as provided in section 698 of this title.

If none of the options provided in this section is exercised prior to the date upon which the officer or employee would otherwise be eligible for retirement from the service, the provisions of this chapter with respect to automatic separation from the service shall apply.

(e) Any officer or employee to whom sections 691, 693, 698, 706–715, 716–719, 720–736, 736b, and 736c of this title applies who, after having



attained the age of fifty-five and after having rendered at least twenty-five years of service computed as prescribed in section 707 of this title,

(1) shall have been involuntarily separated from the service not by removal for cause on charges of misconduct or delinquency between July 1, 1945, and June 30, 1947, both dates inclusive; or

(2) shall have been voluntarily separated from the service between such dates if such officer or employee had accepted a position with a lower rate of basic salary, pay, or compensation after having been involuntarily separated (not by removal for cause on charges of misconduct or delinquency) between such dates from a position with a higher rate of basic salary, pay, or compensation, and was receiving less than such higher rate at the time of his voluntary separation,

shall be paid an immediate life annuity beginning on the first day of the month following the date of final separation from the service. Such annuity shall have a value equal to an annuity computed as provided in section 698 of this title reduced by one-sixth of 1 per centum for each full month any such officer or employee is (A) under the age of sixty years if he has rendered at least thirty years of service computed as prescribed in section 707 of this title, or (B) under the age of sixty-two years if he has rendered less than thirty years of service computed as prescribed in section 707 of this title. (As amended July 3, 1926, ch. 801, § 1, 44 Stat. 904; May 29, 1930, ch. 349, § 1, 46 Stat. 468; Jan. 24, 1942, ch. 16, § 1, 56 Stat. 13; Mar. 7, 1942, ch. 166, § 16 (a), 56 Stat. 147; Aug. 8, 1946, ch. 908, 60 Stat. 939.)

Subsec. (e) added by act Aug. 8, 1946, cited to text.

Act Jan. 24, 1942, cited to text, amended section by striking out former provisions and substituting new text.

Subsec. (c) was amended by act Mar. 7, 1942, cited to text, which struck out "any elective officer," after "retirement of" in last sentence thereof.

**Construction and effective date of act Jan. 24, 1942.**—Sections 10 and 11 of act Jan. 24, 1942, cited to text, which act affected section 691, 693, 698, 715, 718a, 719, 724, 733, 735, 736, and 736b, as amended by act June 29, 1946, ch. 519, § 1, 60 Stat. 339 provided:

"SEC. 10. In the case of those who before the enactment of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, as amended, or the act of May 29, 1930, as amended [sections 691, 693, 698, 706-715, 716 to 719-1, 720-736, 736b and 736c of this title], the annuity shall be recomputed and paid in accordance with the provisions of section 4 of this act.

"SEC. 11. This act shall take effect upon approval except as otherwise provided herein."

**Reimbursement of officers made ineligible by act Mar. 7, 1942.**—Section 16 (d) of act Mar. 7, 1942, cited to text, provided as follows: "The amounts deducted and withheld from the basic salary, pay, or compensation of any officer made ineligible for the benefits of such act of May 29, 1930, as amended [title 5, § 691 et seq.], by the amendments made by this section to such act of May 29, 1930 [affecting title 5, §§ 691 (c), 693 (a), and 715 (a)], and deposited to the credit of the civil-service retirement and disability fund, and any additional amounts paid into such fund by such officer, shall be returned to such officer within thirty days after the date of enactment of this act."

**History of Civil Service Retirement Acts.**—Act May 22, 1920, cited to text, was the original Civil Service Retirement Act and as such was the basis of this chapter. Acts July 3, 1926, and May 29, 1930, also cited, purported to be general amendments of said 1920 act and acts in amendments thereof, and of said 1926 act, respectively; yet despite their declared purport each appears to have been treated actually as a basic act, superseding all prior enactments.

Word "chapter" in this section refers to act May 29, 1930, cited to text, which affected sections 691, 693, 693-1, 698, 706 to 715, 716 to 719-1, 720 to 736, 736b, and 736c of this title.



**Effective date of act June 29, 1946.**—Section 3 of act June 29, 1946, ch. 519, 60 Stat. 339, provided: "This act shall become effective on the first day of the second calendar month following the month in which this act is enacted."

**Reduction of annuities.**—Section 2 of act June 29, 1946, ch. 519, 60 Stat. 339 provided: "Nothing herein contained shall be construed so as to reduce the annuity of any annuitant, nor shall any increase in annuity accrue under this Act to any annuitant for any period prior to the effective date of this act."

**Cross references.**—Automatic separation generally, see section 715 et seq. of this title.

**§ 693. Employees included.**—(a) This chapter shall apply to all officers and employees in or under the executive, judicial, and legislative branches of the United States Government, and to all officers and employees of the municipal government of the District of Columbia, except elective officers in the executive branch of the Government: *Provided*, That this chapter shall not apply to any such officer or employee of the United States or of the municipal government of the District of Columbia subject to another retirement system for such officers and employees of such governments: *Provided further*, That this chapter shall not apply to any officer or employee in the legislative branch of the Government within the classes of officers and employees which were made eligible for the benefits of this chapter by sections 693b–693d, 698b, 715d, and 719a of this title, until he gives notice in writing to the disbursing officer by whom his salary is paid, of his desire to come within the purview of this chapter; and any officer or employee within such classes may, within sixty days after January 24, 1942, withdraw from the purview of this chapter by giving similar notice of such desire. In the case of any officer or employee in the service of the legislative branch of the Government on January 24, 1942, such notice of desire to come within the purview of this chapter must be given within the calendar year 1942. In the case of any officer or employee of the legislative branch of the Government who enters the service after January 24, 1942, such notice of desire to come within the purview of this chapter must be given within six months after the date of entrance to the service.

(b) The President shall have power, in his discretion, to exclude from the operation of this chapter any officer or employee or group of officers or employees in the executive branch of the service whose tenure of office or employment is intermittent or of uncertain duration.

(c) The provisions of this chapter shall not apply to employees of the Senate or the House of Representatives whose employment is temporary or of uncertain duration; and the Architect of the Capitol is authorized to exclude from the operation of this chapter any employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration. (As amended July 3, 1926, ch. 801, § 3, 44 Stat. 905; May 29, 1930, ch. 349, § 3, 46 Stat. 470; July 3, 1930, ch. 863, §§ 1–5, 46 Stat. 1016, 1017; June 23, 1936, ch. 728, 49 Stat. 1888, Aug. 4, 1939, ch. 426, § 1, 53 Stat. 1200; Jan. 24, 1942, ch. 16, § 3, 56 Stat. 15; Mar. 7, 1942, ch. 166, § 16 (c), 56 Stat. 147; July 24, 1946, ch. 612, § 1, 60 Stat. 659; Aug. 2, 1946, ch. 753, title VI, § 602 (a), 60 Stat. 850.)

**References in text.**—Word "chapter" read "Act" in amendatory acts cited to text.

Act Jan. 24, 1942, cited to text, amended act May 29, 1930, also cited, by striking out all thereof and inserting in lieu thereof the material therein set out. The section had previously consisted of subsecs. (a)–(h).



Subsec. (a) amended by acts Aug. 2, 1946, and Mar. 7, 1942, both cited to text. Act Aug. 2, 1946, inserted "in the executive branch of the Government" following "except elective officers", thus making section applicable to members of Congress. Act Mar. 7, 1942, amended subsec. (a) generally.

Act of July 24, 1946, cited to text, amended section to make it applicable to heads of executive departments and independent agencies.

Former section 693 "Same; employees of District of Columbia", was omitted from the revised Code.

**Construction and effective date.**—Act Jan. 24, 1942, cited to text—effective date and construction with regard to rights of persons separated prior thereto, see note under section 691 of this title.

**Effective date; definition.**—Section 2 of act July 24, 1946, cited to text, provided: "This act [this section] shall be effective, with respect to any head of a department, at the beginning of his first pay period commencing in the second month following the month in which this act is enacted [July 24, 1946]. As used in this section the term 'department' means any department, independent establishment, or agency (including corporations) in the executive branch of the Government."

**"Department" in subsec. (a) defined.**—Section 1 (d) of act Mar. 7, 1942, cited to text, provided as follows: "(d) the term 'department', including such term when used in the amendment made by section 16 [section 1016 of appendix to title 50, amending title 5, §§ 691, 693, and 715], means any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government." Said section 1 (d) was made effective from Sept. 8, 1939, until twelve months after the termination of the present war as proclaimed by the President, by provision of section 15 of that act, constituting section 1015 of appendix to title 50, War.

By Executive Order No. 7687, promulgated Aug. 10, 1937, 2 F. R. 1665DI, 1391BV, the provisions of this section "were extended to apply to all federal employees on the Isthmus of Panama who are citizens of the United States and to whom section 1371 of title 48 does not apply and whose tenure of office or employment is not intermittent or of uncertain duration."

By Executive Order No. 7887, effective July 1, 1938, the provisions of the Civil Service Retirement Act were "extended to apply to all employees who serve under appointments made without competitive examination under authority of section 10 of Civil Service Rule II and who are citizens of the United States, except those whose employment is intermittent or on a per diem when-actually-employed basis."

## § 698. Method of computing annuities.

### AMENDMENTS

1945—Subsec. (a) amended by act Nov. 9, 1945, which substituted "Dec. 31 of each year" in lieu of "June 30 of each year".

**§ 707. Computation of period service.**—Subject to the provisions of section 736b of this title, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in section 691, 693, 698, 706-715, 716-719, 720-736, 736b, and 736c of this title, shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices, or the legislative branch of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary



to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the the Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in sections 691, 693, 698, 706–715, 716–719, 720–736, 736b, and 736c of this title, shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity therein provided.

In computing length of service for the purposes of sections 691, 693, 698, 706–715, 716–719, 720–736, 736b, and 736c of this title, all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, except leaves of absence granted employees while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States or while receiving benefits under section 751–791 and 793 of this title, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

No officer or employee to whom sections 691, 693, 698, 706–715, 716–719, 720–736, 736b, and 736c of this title applies who during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress, has left or leaves his position to enter the armed forces of the United States shall be considered as separated from such position for the purposes of said sections by reason of his service with the armed forces of the United States. This paragraph shall not be so construed as to prevent the payment of refunds as provided by sections 733 (a) or 724 (b) of this title.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated. (As amended Nov. 9, 1945, ch. 456, §1, 59 Stat. 577; Dec 21, 1945, ch. 584, 59 Stat. 621.)

#### AMENDMENTS

1945—Act Nov. 9, 1945, cited to text, amended section by adding third par.

Act Dec. 21, 1945, cited to text, amended section by striking out second par. and inserting in lieu thereof a new second par. which differs from struck par. in that "while performing active \* \* \* United States or" was inserted.

#### EFFECTIVE DATE

Section 4 of act Nov. 9, 1945, cited to text, provided: "The amendment made by the first section of this act [this section] shall become effective as of Sept. 8, 1939."

**§ 713. Same; discontinuance of annuity; failure of reemployment; separation annuity.**—If a recovered disability annuitant whose annuity is discontinued subsequent to June 30, 1945, shall after due diligence on his part fail to obtain reemployment in any position included in the provisions of sections 691, 693, 693–1, 698, 706–715, 716–718, 719, 719–1, 720–736, 736b, and 736c of this title, he shall be considered as having been involuntarily separated from the service within the meaning of section 733 of this title as of the date he was retired for disability and shall, after the discontinuance of the disability annuity, be entitled to an annuity in accordance with the provisions of such section, computed at the attained age at the date of discontinuance of the disability annuity. (As amended July 3, 1926, ch. 801, § 6, 44 Stat. 907; May 29, 1930, ch. 349, § 6, 46 Stat. 472; July 3, 1930,



ch. 863, § 2, 46 Stat. 1016; Ex. Ord. No. 6670, Apr. 7, 1934; Nov. 9, 1945, ch. 456, § 2, 59 Stat. 577; July 24, 1946, ch. 608, 60 Stat. 658.)

Act July 24, 1946, cited to text, amended section to provide for continuance of annuity rights in cases of persons who after retirement by reason of disability, recover and then fail of reemployment.

Act Nov. 9, 1945, cited to text, amended section by substituting "Dec. 31 of each year" in lieu of "June 30 of each year".

"Civil Service Commission" formerly appeared in this section as "Commissioner of Pensions." The functions of the Commissioner of Pensions were transferred to Veterans' Administration by act July 3, 1930, cited to the text, and its functions relating to civil service retirement were transferred to the Civil Service Commission by Ex Ord. 6670, Apr. 7, 1934, also cited to text.

**Compounding of interest.**—Section 2 of act Nov. 9, 1945, cited to text, provided in part: "That interest shall not be compounded as of Dec. 31, 1945".

**§ 714. Compensation under chapter and lump-sum compensation for injuries.**—No person shall be entitled to receive an annuity under the provisions of this chapter, and compensation for injury or disability to himself under the provisions of chapter 15 of this title, covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either chapter for any part of the same period of time, nor shall this provision nor any provision in chapter 15 of this title, be construed so as to deny to any person an annuity accruing to such person under this chapter on account of service rendered by him, or to deny any concurrent benefit to such person under chapter 15 of this title, on account of the death of any other person.

Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under sections 691, 693, 693-1, 698, 707-715, 716-718, 719, 719-1, 720-731, 733, 736b and 736c of this title shall not be affected because such person has received an award of compensation in a lump sum under section 764 of this title, except that where such annuity is payable on account of the same disability for which compensation under section 764 of this title, has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the United States Employees' Compensation Commission, shall be refunded to the United States Employees' Compensation Commission, to be covered into the Employees' Compensation Fund. Before such person shall receive such annuity he shall (1) refund to such Commission the amount representing such commuted payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under section 691, 693, 693-1, 698, 707-715, 716-718, 719, 719-1, 720-731, 733, 736b, and 736c of this title, which amount shall be transmitted to such Commission for reimbursement to such fund. Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the United States Employees' Compensation Commission shall determine, whenever it finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding. (As amended July 3, 1926, ch. 801, § 6, 44 Stat. 907; May 29, 1930, ch. 349, § 6, 46 Stat. 472; Dec. 23, 1944, ch. 728, 58 Stat. 927; July 27, 1946, ch. 684, 60 Stat. 706.)

Word "chapter" in this section refers to act May 29, 1930, cited to text, distribution of which is shown in note under section 691 of this title.

Act July 27, 1946, cited to text, amended section by adding to first par. "nor shall this \* \* \* any other person" to assure equitable treatment to persons



entitled to an annuity under this chapter and any concurrent relief under chapter 15 of this title because of the death of any other person.

Act Dec. 23, 1944, cited to text, amended section by adding second par.

**Effective date.**—Act July 27, 1946, cited to text, provided in part that the amendment of the first par. should become effective as of July 1, 1946.

**Transfer of functions.**—The United States Employees' Compensation Commission was abolished and its functions transferred to the Federal Security Administrator by 1946 Reorg. Plan No. 2, § 3, eff. July 16, 1946.

### **§ 719-1. Voluntary deposit of additional sums; refund in event of death.—**

#### AMENDMENTS

1945—Act. Nov. 9, 1945, amended section by substituting "Dec. 31 of each year" in lieu of "June 30 of each year."

#### COMPOUNDING OF INTEREST

Section 2 of act Nov. 9, 1945, provided in part: "That interest shall not be compounded as of Dec. 31, 1945".

### **§ 724. Return of deductions to employee on transfer from classified to unclassified status or separation from service on death or incompetency of employee.—**

#### AMENDMENTS

1945—Subsec. (b) amended by act Nov. 9, 1945, which substituted "Dec. 31 of each year" in lieu of "June 30 of each year".

**§ 729a. Recovery of annuity payments.**—Notwithstanding any other provision of sections 691, 693, 693-1, 698, 706-715, 716-718, 719, 719-1, 720-725, 727-729, 730, 731, 733, 736b and 736c of this title, there shall be no recovery of annuity payments from any annuitant under said sections who, in the judgment of the Civil Service Commission, is without fault and when, in the judgment of the Civil Service Commission, such recovery would be contrary to equity and good conscience; nor shall there be any withholding or recovery of any moneys mentioned in said sections on account of any certification or payment made by any former officer or employee of the United States in the discharge of his official duties unless the head of the department or agency on behalf of which the certification or payment was made certifies to the Civil Service Commission that such certification or payment involved fraud on the part of such officer or employee. (May 29, 1930, ch. 349, § 17, 46 Stat. 478, as amended June 26, 1944, ch. 274, § 1, 58 Stat. 326; July 27, 1946, ch. 682, 60 Stat. 705.)

**References in text.**—Word "chapter" in this section refers to act May 29, 1930, cited to text, distribution of which is shown under section 691 of this title.

**1946 Amendment.**—Act July 27, 1946, cited to text, amended section by adding all text after semi-colon which will prevent withholding or set-off of amounts in the civil service retirement fund to the credit of fiscal officers of the United States on account of suspension or disallowances raised by the General Accounting Office when such officers have acted in good faith.

### **§ 733. Annuities to employees separated from service before becoming eligible for retirement; effect of reemployment; interest.**

#### AMENDMENTS

1945—Subsec. (c) amended by act Nov. 9, 1945, which substituted "Dec. 31 of each year" in lieu of "June 30 of each year".

#### COMPOUNDING OF INTEREST

Section 2 of act Nov. 9, 1945, provided in part: "That interest shall not be compounded as of Dec. 31, 1945".







sonal representative of the deceased employee funeral and burial expenses not to exceed \$200, in the discretion of the Commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the Commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. (As amended July 28, 1945, ch. 328, § 2, 59 Stat. 503.)

## AMENDMENTS

1945—Act July 28, 1945, cited, to text, amended section by striking out “within six years” following “from the injury”, and last sentence beginning “Such funeral expenses \* \* \*”.

## RETROACTIVE EFFECTIVE OF 1945 AMENDMENT

Subsec. (a) (2) of section 5 of act July 28, 1945, cited to text, provided: “The amendment in section 2 (act July 28, 1945, cited to text) shall be applicable in any case of death following injury where the injury occurred prior to the date of approval of this act (July 28, 1945) and the employee is receiving or is entitled to receive compensation for injury on or after such date.”

**§ 770. Time for making claims.**—All original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the Commission may allow original claims for compensation for disability to be made at any time within one year. Failure to give notice of injury or to file claim for compensation for disability or death within the time and in the manner prescribed by sections 751–791 and 793 of this title shall not bar the claim of any person thereunder if such claim is filed within five years after the injury or death and if the Commission shall find (1) that such failure was due to circumstances beyond the control of the person claiming benefits, or (2) that such person has shown sufficient cause or reason in explanation thereof, and material prejudice to the interest of the United States has not resulted from such failure; and upon such finding the Commission may waive compliance with the applicable provisions of sections 751–791 and 793 of this title. (As amended July 28, 1945, ch. 328, § 1, 59 Stat. 503.)

## AMENDMENTS

1945—Act July 28, 1945, cited to text, amended section by adding last sentence.

## RETROACTIVE EFFECT OF 1945 AMENDMENT

Subsec. (a) (1) of section 5 of act July 28, 1945, cited to text, provided: “The amendment in section 1 of this act (act July 28, 1945, cited to text) shall apply to injury and death cases, whether or not reported or acted upon, where the injury (or injury causing death) occurred on or after Dec. 7, 1940.”

**§ 790. Terms defined.**—

Act Aug. 13, 1946, renumbered title and section of act July 1, 1944, without otherwise affecting section.

## SUBSISTENCE EXPENSES

**§ 823. Officers and employees away on official business; allowance of actual necessary expenses.**—Civilian officers and employees of the departments and establishments, while traveling on official business and away from their designated posts of duty, shall be allowed, in lieu of their actual expenses for subsistence and all fees or tips to porters and stewards, a per diem allowance to be prescribed by the heads of the departments and establishments concerned at a rate not to exceed \$6



within the limits of the continental United States, and not to exceed an average of \$7 beyond the limits of the continental United States. (June 3, 1926, ch. 457, § 3, 44 Stat. 689, as amended June 30, 1932, ch. 314, § 207, 47 Stat. 405; Jan. 30, 1942, ch. 29, 56 Stat. 39.)

Act of Jan. 30, 1942, cited to text, increased rates from \$5 and \$6 to \$6 and \$7, respectively.

Effective date of sections 821-823, 824-833, see section 833 of this title.

Section 210 of act June 30, 1932, ch. 314, 47 Stat. 406, cited to the text provided as follows: "The provisions of all acts heretofore enacted inconsistent with sections 207, 208, and 209 are, to the extent of such inconsistency, hereby repealed, and such sections shall take effect on July 1, 1932."

This section is affected by section 73a of this title which permits payments for the operation of motor cycles and automobiles used for necessary travel on official business, on a mileage basis in lieu of actual operating expenses.

**Travel outside United States.**—Act Aug. 2, 1946, ch. 744, § 4, 60 Stat. 808, provided: "Until June 30, 1948, when authorized in an appropriation or other act, appropriations available for travel expenses shall be available for the payment, without regard to the rates authorized by the Subsistence Expense Act of 1926, as amended [sections 821-823 and 827-833 of this title], of per diem allowances in lieu of subsistence expenses to civilian officers and employees of departments while traveling on official business outside continental United States and away from their designated posts of duty: Provided, That the amount of such allowances shall be determined by the head of the department concerned or by such subordinates as he may designate for the purpose, but shall in no case exceed the maximum established by regulations prescribed by the President for the locality in which the travel is performed."

Provisions exempt from the provisions of section 4 of act Aug. 2, 1946, cited to text, which is set out as a note under this section, see note set out under section 73a of this title.

**§ 823a. Repealed.** Aug. 13, 1946, ch. 957, title XI, § 1131 (64), 60 Stat. —.

Section, act June 30, 1932, ch. 314, § 209, 47 Stat. 405, as amended Apr. 30, 1940, ch. 172, 54 Stat. 174, related to transportation of household effects and automobiles.

**Effective date.**—Repeal of section made effective three months after Aug. 13, 1946, by section 1141 of act Aug. 13, 1946, ch. 957, title XI, 60 Stat. 1040.

## FEDERAL EMPLOYEES PAY PROVISIONS (New)

### COVERAGE AND EXEMPTIONS

**§ 901. Coverage of employees.**—(a) Subject to the exemptions specified in section 902 of this title, subchapters II and III of this chapter shall apply (1) to all civilian officers and employees in or under the executive branch of the Government, including Government-owned or controlled corporations, and in or under the District of Columbia municipal government, and (2) to those officers and employees of the judicial branch of the Government, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol who occupy positions subject to sections 661-663, 664-673, and 674 of this title.

(b) Sections 663, 667, 672a, and 673 of this title shall apply to officers and employees who occupy positions subject to sections 661-663, 664-673, and 674 of this title.

(c) Subject to the exemptions specified in section 902 of this title, subchapter IV of this chapter shall apply to officers and employees in or under the legislative or the judicial branch of the Government whose compensation is not fixed in accordance with sections 661-663, 664-673, and 674 of this title, and to the official reporters of proceedings and debates of the Senate and their employees.



(d) Subject to the exemptions specified in section 902 of this title, subchapter V of this chapter (containing miscellaneous provisions) shall apply to civilian officers and employees of the Government according to the terms thereof.

(e) All provisions of sections 84, 663, 667, 672a, 673 of this title, and this chapter applicable to the executive branch of the Government shall be applicable to the General Accounting Office. (June 30, 1945, ch. 212, title I, § 101, 59 Stat. 295.)

#### SHORT TITLE

Section 1 of act June 30, 1945, cited to text, provided: "That this act [sections 84, 663, 667, 672a, 673 of this title, and this chapter] may be cited as the 'Federal Employees Pay Act of 1945.'"

#### EFFECTIVE DATE

Section 610 of act June 30, 1945, cited to text, provided: "This act [sections 84, 663, 667, 672a, 673 of this title, and this chapter] shall take effect on July 1, 1945."

#### APPROPRIATIONS

Section 609 of act June 30, 1945, cited to text, provided: "There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act [sections 84, 663, 667, 672a, 673 of this title and this chapter]."

**§ 902. Exemptions from coverage; definition.**—(a) Sections 84, 663, 667, 672a, 673 of this title, and this chapter shall not apply to (1) elected officials; (2) Federal judges; (3) heads of departments or of independent establishments or agencies of the Federal Government, including Government-owned or controlled corporations; (4) employees of the District of Columbia municipal government whose compensation is fixed by the Teachers' Salary Act of June 4, 1924, as amended; and (5) officers and members of the Metropolitan Police or of the Fire Department of the District of Columbia. As used in this subsection the term "elected officials" shall not include officers elected by the Senate or House of Representatives who are not members of either body.

(b) Sections 84, 663, 667, 672a, 673 of this title, and this chapter, except section 947 of this title, shall not apply to (1) officers and employees in the field service of the Post Office Department; (2) employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local native prevailing wage rates for the area in which employed; (3) officers and employees of the Inland Waterways Corporation; (4) officers and employees of the Tennessee Valley Authority; (5) individuals to whom the provisions of section 1291 (a) of Appendix to Title 50 are applicable; and (6) officers and members of the United States Park Police and the White House Police.

(c) Sections 84, 663, 667, 672a, 673 of this title, and this chapter, except sections 913 and 947 of this title, shall not apply to employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose.

(d) Sections 84, 663, 667, 672a, 673 of this title, and this chapter, except sections 946 and 947 of this title, shall not apply to employees of the Transportation Corps of the Army of the United States on



vessels operated by the United States, to vessel employees of the Coast and Geodetic Survey, or to vessel employees of the Panama Railroad Company. (June 30, 1945, ch. 212, title I, § 102, 59 Stat. 296.)

#### EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

#### COMPENSATION FOR OVERTIME

**§ 911. Payment of overtime; time and one-half rate; computation schedule of rates.**—Officers and employees to whom this subchapter applies shall, in addition to their basic compensation, be compensated for all hours of employment, officially ordered or approved, in excess of forty hours in any administrative workweek, at overtime rates as follows:

(a) For employees whose basic compensation is at a rate less than \$2,980 per annum, the overtime hourly rate shall be one and one-half times the basic hourly rate of compensation: *Provided*, That in computing such overtime compensation for per annum employees, the basic hourly rate of compensation shall be determined by dividing the per annum rate by two thousand and eighty.

(b) For employees whose basic compensation is at a rate of \$2,980 per annum or more, the overtime hourly rate shall be in accordance with and in proportion to the following schedule:

<i>Basic rate of compensation per annum</i>	<i>Overtime rate of compensation per 416 overtime hours</i>
\$2,980 -----	\$894. 000
3,090 -----	885. 554
3,200 -----	877. 108
3,310 -----	868. 662
3,420 -----	860. 216
3,530 -----	851. 770
3,640 -----	843. 324
3,750 -----	834. 878
3,860 -----	826. 432
3,970 -----	817. 986
4,080 -----	809. 540
4,190 -----	801. 094
4,300 -----	792. 648
4,410 -----	784. 202
4,520 -----	775. 756
4,630 -----	767. 310
4,740 -----	758. 864
4,960 -----	741. 972
5,180 -----	725. 080
5,390 -----	708. 955
5,600 -----	692. 831
5,810 -----	676. 707
6,020 -----	660. 583
6,230 -----	644. 458
6,440 and over -----	628. 334

(June 30, 1945, ch. 212 title II § 201, 59 Stat. 296.)



## EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

**§ 912. Compensatory time off for irregular or occasional overtime work.**—(a) The heads of departments, or of independent establishments or agencies, including Government-owned or controlled corporations, and of the District of Columbia municipal government, and the heads of legislative or judicial agencies to which this subchapter applies, may by regulation provide for the granting of compensatory time off from duty, in lieu of overtime compensation for irregular or occasional duty in excess of forty-eight hours in any regularly scheduled administrative workweek, to those per annum employees requesting such compensatory time off from duty.

(b) The Architect of the Capitol may, in his discretion, grant per annum employees compensatory time off from duty in lieu of overtime compensation for any work in excess of forty hours in any regularly scheduled administrative workweek. (June 30, 1945, ch. 212, title II, § 202, 59 Stat. 297.)

## EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

**§ 913. Payment of overtime to wage-board employees; computation.**—Employees whose basic rate of compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose shall be entitled to overtime pay in accordance with the provisions of section 673c of this title. The rate of compensation for each hour of overtime employment of any such employee shall be computed as follows:

(a) If the basic rate of compensation of the employee is fixed on an annual basis, divide such basic rate of compensation by two thousand and eighty and multiply the quotient by one and one-half; and

(b) If the basic rate of compensation of the employee is fixed on a monthly basis, multiply such basic rate of compensation by twelve to derive a basic annual rate of compensation, divide such basic annual rate of compensation by two thousand and eighty, and multiply the quotient by one and one-half. (June 30, 1945, ch. 212, title II, § 203, 59 Stat. 297.)

## EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

## COMPENSATION FOR NIGHT AND HOLIDAY WORK

**§ 921. Night pay differential.**—Any officer or employee to whom this subchapter applies who is assigned to a regularly scheduled tour of duty, any part of which falls between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian, shall, for duty between such hours, excluding periods when he is in a leave status, be paid compensation at a rate of 10 per centum in excess of his basic rate of compensation for duty between other hours: *Provided*, That such differential for night duty shall not be included in computing any overtime compensation to which the officer or employee may be entitled: *And provided further*, That this section shall not operate to modify



the provisions of section 180 of Title 31, or any other law authorizing additional compensation for night work. (June 30, 1945, ch. 212, title III, § 301, 59 Stat. 298.)

#### EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

**§ 922. Compensation for holiday work; rate; effective date.**—Officers and employees to whom this subchapter applies who are assigned to duty on a holiday designated by Federal statute or Executive order shall be compensated for such duty, excluding periods when they are in leave status, in lieu of their regular pay for that day, at the rate of one and one-half times the regular basic rate of compensation: *Provided*, That extra holiday compensation paid under this section shall not serve to reduce the amount of overtime compensation to which the employee may be entitled under sections 663, 667, 672a, 673 of this title, and this chapter or any other Act during the administrative workweek in which the holiday occurs, but such extra holiday compensation shall not be considered to be a part of the basic compensation for the purpose of computing such overtime compensation. This section shall take effect upon the cessation of hostilities in the present war as proclaimed by the President, or at such earlier time as the Congress by concurrent resolution may prescribe. Prior to so becoming effective, it shall be effective with respect to any designated holiday only if the President has declared that such day shall not be generally a workday in the Federal service. (June 30, 1945, ch. 212, title III, § 302, 59 Stat. 298.)

#### MISCELLANEOUS PROVISIONS

**§ 941. Inspectional groups exempted from coverage.**—The provisions of sections 84, 663, 667, 672a, 673 of this title, and this chapter shall not operate to prevent payment for overtime services or extra pay for Sunday or holiday work in accordance with any of the following sections: Sections 394 of title 7; 109 and 109a of title 8; 261, 267 and 1450-1452 of title 19; 382b of title 46; 154 (f) (2) of title 47: *Provided*, That the overtime, Sunday, or holiday services covered by such payment shall not also form a basis for overtime or extra pay under sections 84, 663, 667, 672a, 673 of this title, and this chapter. (June 30, 1945, ch. 212, title VI, § 601, 59 Stat. 302.)

#### EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

**§ 942. Increase in basic compensation rates of employees of customs and immigration services; employees not specifically provided for.**—(a) The existing basic rates of pay set forth in sections 6a-6d of title 19, and those set forth in the second paragraph of section 109 of title 8, are increased in the same amount that corresponding rates would be increased under the provisions of sections 672a and 673 of this title; and each such augmented rate shall be considered to be the regular basic rate of compensation.

(b) Basic rates of compensation specifically prescribed by statute of Congress for positions in the executive branch or the District of Columbia municipal government which are not increased by any other provision of sections 84, 663, 667, 672a, 673 of this title, and this



chapter are increased in the same amount that corresponding rates would be increased under the provisions of sections 672a and 673 of this title; and each such augmented rate shall be considered to be the regular basic rate of compensation. (June 30, 1945, ch. 212, title VI, § 602, 59 Stat. 302.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

**§ 943. Limitations on reductions and increases in compensation.**—The aggregate per annum rate of compensation with respect to any pay period, in the case of any full-time employee in the service on July 1, 1945, (1) who was a full-time employee on June 30, 1945, (2) whose per annum basic rate of compensation on June 30, 1945, did not exceed a rate of \$1,800 per annum, and (3) whose compensation is fixed in accordance with the provisions of section 661–663, 664–673, and 674 of this title or sections 6a–6d of title 19, shall not, under the rates of compensation established by sections 84, 663, 667, 672a, 673 of this title, and this chapter, so long as he continues to occupy the position he occupied on June 30, 1945, be less than his per annum basic rate of compensation on such date, plus the rate of \$300 per annum or 25 per centum of such per annum basic rate of compensation, whichever is the smaller amount.

(b) Notwithstanding any other provision of sections 84, 663, 667, 672a, 673 of this title, and this chapter, no officer or employee shall, by reason of the enactment of said sections, be paid, with respect to any pay period, basic compensation, or basic compensation plus any additional compensation provided by said sections, at a rate in excess of \$10,000 per annum, except that (1) any officer or employee who was receiving overtime compensation on June 30, 1945, and whose aggregate rate of compensation on such date was in excess of \$10,000 per annum may receive overtime compensation at such rate as will not cause his aggregate rate of compensation for any pay period to exceed the aggregate rate of compensation he was receiving on June 30, 1945, until he ceases to occupy the office or position he occupied on such date or until the overtime hours of work in his administrative workweek are reduced by action of the head of his department or independent establishment or agency, or Government-owned or controlled corporation, and when such overtime hours are reduced such rate of overtime compensation shall be reduced proportionately, and (2) any officer or employee who, because of the receipt of additional compensation in lieu of overtime compensation, was receiving aggregate compensation at a rate in excess of \$10,000 per annum on June 30, 1945, may continue to receive such rate of aggregate compensation so long as he continues to occupy the office or position he occupied on such date but in no case beyond June 30, 1947. (June 30, 1945, ch. 212, title VI, § 603, 59 Stat. 302.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

**§ 943a. Limitations on increases in compensation.**—Notwithstanding any other provisions of sections of this title, no officer or employee shall, by reason of the enactment of said sections, be paid with respect to any pay period, basic compensation or basic compensation plus any additional compensation provided by this chapter, at a



rate in excess of \$10,000 per annum. (May 24, 1946, ch. 270, § 7 (b), 60 Stat. 218.)

**§ 944. Establishment of basic workweek; pay period; pay computation methods; application by Architect of the Capitol and Librarian of Congress.**—It shall be the duty of the heads of the several departments and independent establishments and agencies in the executive branch, including Government-owned or controlled corporations, and the District of Columbia municipal government, to establish as of July 1, 1945, for all full-time officers and employees in their respective organizations, in the departmental and the field services, a basic administrative workweek of forty hours, and to require that the hours of work in such workweek be performed within a period of not more than six of any seven consecutive days.

Beginning not later than October 1, 1945, each pay period for all officers and employees of the organizations referred to in subsection (a), except officers and employees on the Isthmus of Panama in the service of The Panama Canal or the Panama Railroad Company, shall cover two administrative workweeks. When a pay period for such officers and employees begins in one fiscal year and ends in another, the gross amount of the earnings for such pay period may be regarded as a charge against the appropriation or allotment current at the end of such pay period.

For all pay computation purposes affecting officers or employees in or under the executive branch, the judicial branch, or the District of Columbia municipal government, basic per annum rates of compensation established by or pursuant to law shall be regarded as payment for employment during fifty-two basic administrative workweeks of forty hours.

Whenever for any such purpose it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate, the following rules shall govern:

(A) A monthly rate shall be multiplied by twelve to derive an annual rate;

(B) An annual rate shall be divided by fifty-two to derive a weekly rate;

(C) A weekly rate shall be divided by forty to derive an hourly rate; and

(D) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

The Architect of the Capitol may, in his discretion, apply the provisions of subsection (a) to any officers or employees under the Office of the Architect of the Capitol or the Botanic Garden, and the Librarian of Congress may, in his discretion, apply the provisions of such subsection to any officers or employees under the Library of Congress; and officers and employees to whom such subsection is so made applicable shall also be subject to the provisions of subsections (b) and (d) of this section. (June 30, 1945, ch. 212, title VI, § 604 (a, b, d, e), 59 Stat. 303, 304.)

#### EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

**§ 945. Regulations.**—The Civil Service Commission is authorized to issue such regulations, subject to the approval of the President, as



may be necessary for the administration of the foregoing provisions of sections 84, 663, 667, 672a, 673 of this title, and this chapter insofar as said sections affect officers and employees in or under the executive branch of the Government. (June 30, 1945, ch. 212, title VI, § 605, 59 Stat. 305.)

#### EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

**§ 947. Personnel ceilings—(a) Termination of unnecessary employment.**—It is declared to be the sense of the Congress that in the interest of economy and efficiency the heads of departments, and of independent establishments or agencies, in the executive branch, including Government-owned or controlled corporations, shall terminate the employment of such of the employees thereof as are not required for the proper and efficient performance of the functions of their respective departments, establishments, and agencies.

**(b) Reports to Director of the Budget; contents; determination of necessary personnel; reports by Director to Congress; contents; definition.**—The heads of departments, and of independent establishments or agencies, in the executive branch, including Government-owned or controlled corporations, shall present to the Director of the Bureau of the Budget such information as the Director shall from time to time, but at least quarterly, require for the purpose of determining the numbers of full-time civilian employees (including full-time intermittent employees who are paid on a “when actually employed” basis, and full-time employees paid nominal compensation, such as \$1 a year or \$1 a month) and the man-months of part-time civilian employment (including part-time employment by intermittent employees who are paid on a “when actually employed” basis, and part-time employment by employees paid nominal compensation such as \$1 a year or \$1 a month) required within the United States for the proper and efficient performance of the authorized functions of their respective departments, establishments, and agencies. The Director shall, within sixty days after July 1, 1945, and from time to time, but at least quarterly, thereafter, determine the numbers of full-time employees and man-months of part-time employment, which in his opinion are required for such purpose, and any personnel or employment in such department, establishment, or agency in excess thereof shall be released or terminated at such times as the Director shall order. Such determinations, and any numbers of employees or man-months of employment paid in violation of the orders of the Director, shall be reported quarterly to the Congress. Each such report shall include a statement showing for each department, independent establishment, and agency the net increase or decrease in such employees and employment as compared with the corresponding data contained in the next preceding report, together with any suggestions the Director may have for legislation which would bring about economy and efficiency in the use of Government personnel. As used in this subsection the term “United States” shall include the Territories and possessions.

**(c) Determinations by Director.**—Determinations by the Director of numbers of employees and man-months of employment required shall be by such appropriation units or organization units as he may deem appropriate.



**(d) Duties of Director.**—The Director shall maintain a continuous study of all appropriations and contract authorizations in relation to personnel employed and shall, under such policies as the President may prescribe, reserve from expenditure any savings in salaries, wages, or other categories of expense which he determines to be possible as a result of reduced personnel requirements. Such reserves may be released by the Director for expenditure only upon a satisfactory showing of necessity.

**(e) Exclusion of casual and unpaid employees.**—Casual employees, as defined by the Civil Service Commission, and employees hired without compensation may be excluded from the determinations and reports required by this section.

**(g) Maximum number of employees.**—(1) In carrying out the provisions of subsection (b) of this section—

(A) with respect to the departments (other than the Department of War and the Department of the Navy), establishments, and agencies (including Government-owned or controlled corporations) in the executive branch, the Director shall so determine the numbers of full-time civilian employees and the man-months of part-time employment on the basis of the relative needs of such departments, establishments, and agencies for personnel, that the aggregate number of such civilian employees (including the full-time equivalent of man-months of part-time employment) shall not exceed (i) five hundred and twenty-eight thousand nine hundred and seventy-five for the quarter beginning October 1, 1946; (ii) five hundred and one thousand seven hundred and seventy-one for the quarter beginning January 1, 1947; (iii) four hundred and seventy-four thousand five hundred and sixty-seven for the quarter beginning April 1, 1947; and (iv) four hundred and forty-seven thousand three hundred and sixty-three after June 30, 1947;

(2) No provision of law enacted authorizing the employment of personnel by, or appropriating funds for the compensation of personnel of, or conferring additional functions upon, any department, establishment, or agency, shall be construed to authorize the employment of, or payment of compensation to, a greater number of employees subject to this subsection than the number so determined by the Director with respect to such department, establishment, or agency unless such provision of law specifically authorizes the employment or payment of salaries of personnel in excess of such number, or exempts such department, establishment, or agency from the provisions of this subsection, and any such employment or payment not so authorized shall be deemed to be a violation of the provisions of section 665 of Title 31.

#### EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

**§ 948. Exemption of compensation increases from determination of annual income under veterans laws and regulations.**—Amounts payable under the provisions of sections 84, 663, 667, 672a, 673 of this title, and this chapter, other than increases under section 672a, 673, 931, 934, and 942 of this title, shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the purposes of paragraph II (a) of part III of Veterans' Regulations Numbered 1 (a), as amended, or sections 59a and 59b of this title. (June 30, 1945, ch. 212, title VI, § 608, 59 Stat. 305.)



## REFERENCES IN TEXT

Paragraph II (a) of part II of Veterans' Regulation Numbered 1 (a), as amended, referred to in text, is set out following Chapter 12 of Title 38, Pensions, Bonuses, and Veterans' Relief.

## EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

**§ 949. Payment of certain overtime, holiday, and leave compensation on night rate basis; amounts due deceased or incompetent persons.**—All claims by employees or former employees of the United States for overtime, leave, and holiday compensation based upon the difference between amounts received prior to July 31, 1946 by such employees for overtime, leave, and holiday compensation computed at day rates and such compensation computed at night rates pursuant to decisions of the Comptroller General of the United States (23 Comp. Gen. 962; 24 Comp. Gen. 39, 155, 189, 550, 867), shall be paid by the appropriate disbursing officers for the department or agency under which such compensation was earned: *Provided*, That claims for amounts due deceased persons or persons determined to be mentally incompetent shall be settled in the General Accounting Office. (July 31, 1946, ch. 712, § 1, 60 Stat. 747.)

**References in text.**—Words “(23 Comp. Gen. 962; 24 Comp. Gen. 39, 155, 189, 550, 867)” referred to in text, refer to opinions of the Comptroller General and are classified under Notes of Decisions under section 673c of this title.

**Codification.**—Section was not enacted as a part of the Federal Employees' Pay Acts of 1945 or 1946, comprising this chapter.

**Appropriations.**—Section 5 of act July 31, 1946, cited to text, authorized the appropriation of such sums as may be necessary for payment of amounts certified under sections 949–954 of this title.

**§ 950. Certification of claims; conclusiveness of payments.**—The heads of the departments and agencies concerned or such subordinates as they may designate, are authorized and directed to certify to the proper disbursing officer or to the General Accounting Office, as may be appropriate, the amount found to be due under any claim authorized to be paid by section 949 of this title. Payments made pursuant to certifications authorized shall, in the absence of fraud, be final and conclusive. (July 31, 1946, ch. 712, § 2, 60 Stat. 747.)

Section was not enacted as a part of the Federal Employees Pay Acts of 1945 or 1946, comprising this chapter.

**§ 951. Period of compensation; application for payment; limitations.**—(a) No amount shall be certified for payment under section 950 of this title on account of any compensation earned prior to March 28, 1934, and sections 949–954 of this title shall not apply with respect to any claim for compensation earned subsequent to July 31, 1946.

(b) No amount shall be certified for payment under section 950 of this title unless application shall have been submitted in writing, prior to the expiration of two years after July 31, 1946, over the signature of the person performing the service: *Provided*, That claims of deceased persons or persons determined to be mentally incompetent may be submitted by their heirs or personal representatives.

(c) Except as otherwise provided in this section, no claim submitted in accordance with the terms of sections 949–954 of this title for compensation earned between the dates specified in subsection (a) of this section shall be barred by any statute of limitations. (July 31, 1946, ch. 712, § 3, 60 Stat. 747.)



Section was not enacted as a part of the Federal Employees Pay Act of 1945 or 1946, comprising this chapter.

**§ 952. Exemption from retirement or withholding tax deductions.**—Any amount certified for payment under section 950 of this title shall be paid without deduction for retirement or withholding of any amount for taxes. (July 31, 1946, ch. 712, § 4, 60 Stat. 747.)

Section was not enacted as a part of the Federal Employees Pay Act of 1945 or 1946, comprising this chapter.

**§ 953. Rules and regulations.**—The heads of the departments and agencies concerned, including the Comptroller General of the United States, are authorized to prescribe such regulations as may be necessary to carry out the purposes of sections 949-954 of this title in their respective agencies. (July 31, 1946, ch. 712, § 6, 60 Stat. 747.)

Section was not enacted as a part of the Federal Employees Pay Act of 1945 or 1946, comprising this chapter.

**§ 954. Payment for services of agent or attorney prohibited; penalties.**—No part of any moneys appropriated for payment of amounts certified under sections 949-954 of this title shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with claims so appropriated for and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of said sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000. (July 31, 1946, ch. 712, § 7, 60 Stat. 747.)

Section was not enacted as a part of the Federal Employees Pay Act of 1945 or 1946, comprising this chapter.

#### ADMINISTRATIVE PROCEDURE (New)

**§ 1001. Definitions.**—As used in this chapter.

**(a) Agency.**—"Agency" means each authority (whether or not within or subject to review by another agency) of the Government of the United States other than Congress, the courts, or the governments of the possessions, Territories, or the District of Columbia. Nothing in this chapter shall be construed to repeal delegations of authority as provided by law. Except as to the requirements of section 1002 of this title, there shall be excluded from the operation of this chapter (1) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them, (2) courts martial and military commissions, (3) military or naval authority exercised in the field in time of war or in occupied territory, or (4) functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947, and the functions conferred by sections 301-303, 304, 305, 306-309, 310, 311-318, 1611-1614, 1615-1646 of appendix to title 50 and sections 101-125 of title 41; and sections 1738, 1739, and 1743 of title 12, and sections 1821-1833 of appendix to title 50.

**(b) Person and party.**—"Person" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies. "Party" includes any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any agency proceeding;



but nothing herein shall be construed to prevent an agency from admitting any person or agency as a party for limited purposes.

**(c) Rule and rule making.**—“Rule” means the whole or any part of any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of any agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing upon any of the foregoing. “Rule making” means agency process for the formulation, amendment, or repeal of a rule.

**(d) Order and adjudication.**—“Order” means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency in any matter other than rule making but including licensing. “Adjudication” means agency process for the formulation of an order.

**(e) License and licensing.**—“License” includes the whole or part of any agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission. “Licensing” includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation amendment, modification, or conditioning of a license.

**(f) Sanction and relief.**—“Sanction” includes the whole or part of any agency (1) prohibition, requirement, limitation, or other condition affecting the freedom of any person; (2) withholding of relief; (3) imposition of any form of penalty or fine; (4) destruction, taking, seizure, or withholding of property; (5) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; (6) requirement, revocation, or suspension of a license; or (7) taking of other compulsory or restrictive action. “Relief” includes the whole or part of any agency (1) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy; (2) recognition of any claim, right, immunity, privilege, exemption, or exception; or (3) taking of any other action upon the application or petition of, and beneficial to, any person.

**(g) Agency proceeding and action.**—“Agency proceeding” means any agency process as defined in subsections (c), (d), and (e) of this section. “Agency action” includes the whole or part of every agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act. (June 11, 1946, ch. 324, § 2, 60 Stat. 237, as amended Aug. 8, 1946, ch. 870, title III, § 302, 60 Stat. 918; Aug. 10, 1946, ch. 951, title VI, § 601, 60 Stat. 993.)

Subsec. (a) amended by acts Aug. 10, 1946, and Aug. 8, 1946, both cited to text, both of which added at end of subsec. “sections 1738, 1739, and 1743 of title 12, and sections 1821–1833 of appendix to title 50.”

**Short title.**—Congress in enacting this legislation, provided by section 1 of act June 11, 1946, cited to text, that this chapter should be popularly known as the “Administrative Procedure Act.”

**Effective date.**—Section as effective three months after June 11, 1946, see section 1011 of this title.



**§ 1002. Publication of information, rules, opinions, orders and public records.**—Except to the extent that there is involved (1) any function of the United States requiring secrecy in the public interest or (2) any matter relating solely to the internal management of an agency—

(a) Every agency shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including delegations by the agency of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests; (2) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal or informal procedures available as well as forms and instructions as to the scope and contents of all papers, reports, or examinations; and (3) substantive rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public, but not rules addressed to and served upon named persons in accordance with law. No person shall in any manner be required to resort to organization or procedure not so published.

(b) Every agency shall publish or, in accordance with published rule, make available to public inspection all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules.

(c) Save as otherwise required by statute, matters of official record shall in accordance with published rule be made available to persons properly and directly concerned except information held confidential for good cause found. (June 11, 1946, ch. 324, § 3, 60 Stat. 238.)

Section as effective three months after June 11, 1946, see section 1011 of this title.

**§ 1003. Rule making.**—Except to the extent that there is involved (1) any military, naval, or foreign affairs function of the United States or (2) any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.

(a) **Notice; publication and contents.**—General notice of proposed rule making shall be published in the Federal Register (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) and shall include (1) a statement of the time, place, and nature of public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Except where notice or hearing is required by statute, this subsection shall not apply to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) **Procedures.**—After notice required by this section, the agency shall afford interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner; and,



after consideration of all relevant matter presented, the agency shall incorporate in any rules adopted a concise general statement of their basis and purpose. Where rules are required by statute to be made on the record after opportunity for an agency hearing, the requirements of sections 1006 and 1007 of this title shall apply in place of the provisions of this subsection.

**(c) Time of publication or service of rules.**—The required publication or service of any substantive rule (other than one granting or recognizing exemption or relieving restriction or interpretative rules and statements of policy) shall be made not less than thirty days prior to the effective date thereof except as otherwise provided by the agency upon good cause found and published with the rule.

**(d) Petitions.**—Every agency shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule. (June 11, 1946, ch. 324, § 4, 60 Stat. 238.)

Section as effective three months after June 11, 1946, see section 1011 of this title.

**§ 1004. Adjudication.**—In every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved (1) any matter subject to a subsequent trial of the law and the facts de novo in any court; (2) the selection or tenure of an officer or employee of the United States other than examiners appointed pursuant to section 1010 of this title; (3) proceedings in which decisions rest solely on inspections, tests, or elections; (4) the conduct of military, naval, or foreign affairs functions; (5) cases in which an agency is acting as an agent for a court; and (6) the certification of employee representatives.

**(a) Notice of hearing and issues.**—Persons entitled to notice of hearing shall be timely informed of (1) the time, place, and nature thereof; (2) the legal authority and jurisdiction under which the hearing is to be held; and (3) the matters of fact and law asserted. In instances in which private persons are the moving parties, other parties to the proceeding shall give prompt notice of issues controverted in fact or law; and in other instances agencies may by rule require responsive pleading. In fixing the times and places for hearings, due regard shall be had for the convenience and necessity of the parties or their representatives.

**(b) Procedure.**—The agency shall afford all interested parties opportunity for (1) the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the proceeding, and the public interest permit, and (2) to the extent that the parties are unable so to determine any controversy by consent, hearing, and decision upon notice and in conformity with sections 1006 and 1007 of this title.

**(c) Authority and functions of officers and employees.**—The same officers who preside at the reception of evidence pursuant to section 1006 of this title shall make the recommended decision or initial decision required by section 1007 of this title except where such officers become unavailable to the agency. Save to the extent required for the disposition of ex parte matters as authorized by law, no such officer shall consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or subject to the supervision or direction



of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency in any case shall, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review pursuant to section 1007 of this title except as witness or counsel in public proceedings. This subsection shall not apply in determining applications for initial licenses or to proceedings involving the validity or application of rates, facilities, or practices of public utilities or carriers; nor shall it be applicable in any manner to the agency or any member or members of the body comprising the agency.

**(d) Declaratory orders.**—The agency is authorized in its sound discretion, with like effect as in the case of other orders, to issue a declaratory order to terminate a controversy or remove uncertainty. (June 11, 1946, ch. 324, § 5, 60 Stat. 239.)

Section as effective three months after June 11, 1946, see section 1011 of this title.

**§ 1005. Ancillary matters.**—Except as otherwise provided in this chapter—

**(a) Appearance and representation of parties.**—Any person compelled to appear in person before any agency or representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified representative. Every party shall be accorded the right to appear in person or by or with counsel or other duly qualified representative in any agency proceeding. So far as the orderly conduct of public business permits, any interested person may appear before any agency or its responsible officers or employees for the presentation, adjustment, or determination of any issue, request, or controversy in any proceeding (interlocutory, summary, or otherwise) or in connection with any agency function. Every agency shall proceed with reasonable dispatch to conclude any matter presented to it except that due regard shall be had for the convenience and necessity of the parties or their representatives. Nothing herein shall be construed either to grant or to deny to any person who is not a lawyer the right to appear for or represent others before any agency or in any agency proceeding.

**(b) Issuance of process; investigations; transcript of evidence.**—No process, requirement of a report, inspection, or other investigative act or demand shall be issued, made, or enforced in any manner or for any purpose except as authorized by law. Every person compelled to submit data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that in a nonpublic investigatory proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

**(c) Subpenas and production of evidence.**—Agency subpenas authorized by law shall be issued to any party upon request and, as may be required by rules of procedure, upon a statement or showing of general relevance and reasonable scope of the evidence sought. Upon contest the court shall sustain any such subpoena or similar process or demand to the extent that it is found to be in accordance with law and, in any proceeding for enforcement, shall issue an order



requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in case of contumacious failure to comply.

**(d) Notice of denial of application or petition.**—Prompt notice shall be given of the denial in whole or in part of any written application, petition, or other request of any interested person made in connection with any agency proceeding. Except in affirming a prior denial or where the denial is self-explanatory, such notice shall be accompanied by a simple statement of procedural or other grounds. (June 11, 1946, ch. 324, § 6, 60 Stat. 240.)

Section as effective three months after June 11, 1946, see section 1011 of this title.

**§ 1006. Hearings; presiding officers; powers and duties; burden of proof; evidence; record as basis for decision.**—In hearings which section 1003 or 1004 of this title requires to be conducted pursuant to this section—

(a) There shall preside at the taking of evidence (1) the agency, (2) one or more members of the body which comprises the agency, or (3) one or more examiners appointed as provided in this chapter; but nothing in this chapter shall be deemed to supersede the conduct of specified classes of proceedings in whole or part by or before boards or other officers specially provided for by or designated pursuant to statute. The functions of all presiding officers and of officers participating in decisions in conformity with section 1007 of this title shall be conducted in an impartial manner. Any such officer may at any time withdraw if he deems himself disqualified; and, upon the filing in good faith of a timely and sufficient affidavit of personal bias or disqualification of any such officer, the agency shall determine the matter as a part of the record and decision in the case.

(b) Officers presiding at hearings shall have authority, subject to the published rules of the agency and within its powers, to (1) administer oaths and affirmations, (2) issue subpoenas authorized by law, (3) rule upon offers of proof and receive relevant evidence, (4) take or cause depositions to be taken whenever the ends of justice would be served thereby, (5) regulate the course of the hearing, (6) hold conferences for the settlement or simplification of the issues by consent of the parties, (7) dispose of procedural requests or similar matters, (8) make decisions or recommended decisions in conformity with section 1007 of this title, and (9) take any other action authorized by agency rule consistent with this chapter.

(c) Except as statutes otherwise provide, the proponent of a rule or order shall have the burden of proof. Any oral or documentary evidence may be received, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses any agency may, where



the interest of any party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

(d) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision in accordance with section 1007 of this title and, upon payment of lawfully prescribed costs, shall be made available to the parties. Where any agency decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary. (June 11, 1946, ch. 324, § 7, 60 Stat. 241.)

Section as effective six months after June 11, 1946, see section 1011 of this title.

**§ 1007. Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record.**—In cases in which a hearing is required to be conducted in conformity with section 1006 of this title—

(a) In cases in which the agency has not presided at the reception of the evidence, the officer who presided (or, in cases not subject to subsection (c) of section 1004 of this title, any other officer or officers qualified to preside at hearings pursuant to section 1006 of this title) shall initially decide the case or the agency shall require (in specific cases or by general rule) the entire record to be certified to it for initial decision. Whenever such officers make the initial decision and in the absence of either an appeal to the agency or review upon motion of the agency within time provided by rule, such decision shall without further proceedings then become the decision of the agency. On appeal from or review of the initial decisions of such officers the agency shall, except as it may limit the issues upon notice or by rule, have all the powers which it would have in making the initial decision. Whenever the agency makes the initial decision without having presided at the reception of the evidence, such officers shall first recommend a decision except that in rule making or determining applications for initial licenses (1) in lieu thereof the agency may issue a tentative decision or any of its responsible officers may recommend a decision or (2) any such procedure may be omitted in any case in which the agency finds upon the record that due and timely execution of its functions imperatively and unavoidably so requires.

(b) Prior to each recommended, initial, or tentative decision, or decision upon agency review of the decision of subordinate officers the parties shall be afforded a reasonable opportunity to submit for the consideration of the officers participating in such decisions (1) proposed findings and conclusions, or (2) exceptions to the decisions or recommended decisions of subordinate officers or to tentative agency decisions, and (3) supporting reasons for such exceptions or proposed findings or conclusions. The record shall show the ruling upon each such finding, conclusion, or exception presented. All decisions (including initial, recommended, or tentative decisions) shall become part of the record and include a statement of (1) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; and (2) the appropriate rule, order, sanction, relief, or denial thereof. (June 11, 1946, ch. 324, § 8, 60 Stat. 242.)

Section as effective six months after June 11, 1946, see section 1011 of this title.



**§ 1008. Imposition of sanctions; determination of applications for licenses; suspension, revocation, and expiration of licenses.**—In the exercise of any power or authority—

(a) No sanction shall be imposed or substantive rule or order be issued except within jurisdiction delegated to the agency and as authorized by law.

(b) In any case in which application is made for a license required by law the agency, with due regard to the rights or privileges of all the interested parties or adversely affected persons and with reasonable dispatch, shall set and complete any proceedings required to be conducted pursuant to sections 1006 and 1007 of this title or other proceedings required by law and shall make its decision. Except in cases of willfulness or those in which public health, interest, or safety requires otherwise, no withdrawal, suspension, revocation, or annulment of any license shall be lawful unless, prior to the institution of agency proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee by the agency in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements. In any case in which the licensee has, in accordance with agency rules, made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency. (June 11, 1946, ch. 324, § 9, 60 Stat. 242.)

Section as effective three months after June 11, 1946, see section 1011 of this title.

**§ 1009. Judicial review of agency action.**—Except so far as (1) statutes preclude judicial review or (2) agency action is by law committed to agency discretion.

(a) **Rights of review.**—Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof.

(b) **Form and venue of proceedings.**—The form of proceeding for judicial review shall be any special statutory review proceeding relevant to the subject matter in any court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action (including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus) in any court of competent jurisdiction. Agency action shall be subject to judicial review in civil or criminal proceedings for judicial enforcement except to the extent that prior, adequate, and exclusive opportunity for such review is provided by law.

(c) **Acts reviewable.**—Every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review. Any preliminary, procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final shall be final for the purposes of this subsection whether or not there has been presented or determined any application for a declaratory order, for any form of reconsideration, or (unless the agency otherwise requires by rule and provides that the



action meanwhile shall be inoperative) for an appeal to superior agency authority.

**(d) Relief pending review.**—Pending judicial review any agency is authorized, where it finds that justice so requires, to postpone the effective date of any action taken by it. Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, every reviewing court (including every court to which a case may be taken on appeal from or upon application for certiorari or other writ to a reviewing court) is authorized to issue all necessary and appropriate process to postpone the effective date of any agency action or to preserve status or rights pending conclusion of the review proceedings.

**(e) Scope of review.**—So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence in any case subject to the requirements of sections 1006 and 1007 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error. (June 11, 1946, ch. 324, § 10, 60 Stat. 243.)

Section as effective three months after June 11, 1946, see section 1011 of this title.

Section as effective Aug. 1, 1946, with respect to judicial review of any agency action under the Atomic Energy Act of 1946, see section 1814 of Title 42, The Public Health and Welfare.

Orders of Price Decontrol Board not subject to review or modification, see section 901a (h) (3) of Appendix to Title 50, War.

**§ 1010. Appointment of examiners; assignment, removal and compensation; jurisdiction of Civil Service Commission.**—Subject to the civil-service and other laws to the extent not inconsistent with this chapter, there shall be appointed by and for each agency as many qualified and competent examiners as may be necessary for proceedings pursuant to sections 1006 and 1007 of this title, who shall be assigned to cases in rotation so far as practicable and shall perform no duties inconsistent with their duties and responsibilities as examiners. Examiners shall be removable by the agency in which they are employed only for good cause established and determined by the Civil Service Commission (hereinafter called the Commission) after opportunity for hearing and upon the record thereof. Examiners shall receive compensation prescribed by the Commission independently of agency recommendations or ratings and in accordance with sections 661-663, 664-673, and 674 of this title, except that the provisions of paragraphs (2) and (3) of subsection (b) of section 667 of



this title, and the provisions of section 669 of this title, shall not be applicable. Agencies occasionally or temporarily insufficiently staffed may utilize examiners selected by the Commission from and with the consent of other agencies. For the purposes of this section, the Commission is authorized to make investigations, require reports by agencies, issue reports, including an annual report to the Congress, promulgate rules, appoint such advisory committees as may be deemed necessary, recommend legislation, subpoena witnesses or records, and pay witness fees as established for the United States courts. (June 11, 1946, ch. 324, § 11, 60 Stat. 244.)

Section as effective three months after June 11, 1946, except provision for appointment of examiners, see section 1011 of this title.

**§ 1011. Impairment of rights; effect on other laws; separability; subsequent legislation; effective date.**—Nothing in this chapter shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. If any provision of this chapter or the application thereof is held invalid, the remainder of this chapter or other applications of such provision shall not be affected. Every agency is granted all authority necessary to comply with the requirements of this chapter through the issuance of rules or otherwise. No subsequent legislation shall be held to supersede or modify the provisions of this chapter except to the extent that such legislation shall do so expressly. This chapter shall take effect three months after its approval except that sections 1006 and 1007 of this title shall take effect six months after such approval, the requirement of the selection of examiners pursuant to section 1010 of this title shall not become effective until one year after such approval, and no procedural requirement shall be mandatory as to any agency proceeding initiated prior to the effective date of such requirement. (June 11, 1946, ch. 324, § 12, 60 Stat. 244.)



## TITLE 7—AGRICULTURE

### RUBBER

Sec.

174. Same; disposition of proceeds from sale.

#### Agricultural & Mechanical Colleges—Agricultural Extension on Work Appropriation

- 343c. Further additional appropriation.  
343d-1. Further additional appropriation for extension work.  
367. Secretary to prescribe form of financial report by stations, etc.  
411b. Estimates of apple production.  
414. Investigation and certification of condition, etc., of farm products in interstate shipment.  
419. Sale by Secretary of products of agricultural experiment station in Puerto Rico.  
427. Agriculture research; declaration of policy; duties of Secretary, etc.  
427h. Same; appropriations; availability of unexpended balances; allotments to experimental stations and Office of Experiment Stations.  
427i. Same; additional appropriations; administrative expenses, etc.  
427j. Same; use of funds for market research projects; report to Congress.  
428. Option to purchase lands—Repealed.  
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475. Cotton crop reports.

#### Foreign Agricultural Service

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#### Executive Order No. 9705

- 608c. Delegation of certain functions and authority to Economic Stabilization Director.

#### Agricultural Adjustment Act of 1933

- 608c-1. Repealed.  
610. Powers of Secretary of Agriculture generally.  
612a. Additional appropriation authorized; use in connection with dairy and beef products.

#### Tenant Purchase Loans and Mortgage Insurance

1001. Power of Secretary; persons eligible; preferences; conditions for loan on mortgage.  
1002. Examination, appraisal, certification of loans and insurance by county committee.  
1003. Terms.  
1004. Equitable distribution of loans and mortgage insurance.  
1005. Appropriations.  
1005a. Farm tenant mortgage insurance fund; appropriation; excess, use, report.  
1005b. Insurance of mortgages.  
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1005d. Procedure with respect to mortgages in default; disposition of realized amounts.  
1006. Same; appropriation.

#### Production and Subsistence Loans

1007. Eligible borrowers; terms.  
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1008. Debt adjustment.  
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**Production and Subsistence Loans—Continued**

Sec.

- 1010. Retirement of submarginal lands.
- 1011. Same; powers of Secretary of Agricultural.
- 1013. Expired.
- 1014. Farmers' Home Corporation.
- 1015. Powers of Secretary of Agriculture.
- 1016. County Committee; appointments; compensation; appointments; meetings, duties.
- 1017. Resettlement projects—Liquidation.
- 1018. Special conditions and limitations on loans.
- 1019. Transfer of lands to Secretary.
- 1020. Transactions with private corporations.
- 1021. Surveys and investigations.
- 1022. Variable payments on obligations.
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- 1024. Taxation.
- 1025. Purchase at foreclosure sale.
- 1026. Penalties.
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- 1028. Application to Territories.
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- 1030. Consolidation of agricultural credit and service offices.
- 1031. Conveyance of mineral rights with land.

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- 1183. Termination of chapter.
- 1282. Agricultural Adjustment Act of 1938; Declaration of policy; transfer of functions.
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- 1357. Peanuts—legislative findings.
- 1358. Peanuts—marketing quota.
- 1359. Marketing penalties—peanuts.
- 1381. Cotton price adjustment payments, note.
- 1382, 1383, 1383a, Transfer of functions.
- 1384. Repealed.
- 1389, 1391, 1392, Transfer of functions.

**Crop Insurance**

- 1503, 1504, 1504a, 1505–1516. Transfer of functions, Federal Crop Insurance Corp.

**Distribution and Marketing of Agricultural Products (New)**

- 1621. Congressional declaration of purpose; use of existing facilities; cooperation with States.
- 1622. Duties of Secretary.
- 1623. Appropriations; allotments to States.
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- 1626. Definitions.
- 1627. Appointment of personnel, compensation, specialists.
- 1628. National advisory committee; chairman, members, meetings, etc.
- 1629. Additional committees; composition.



## Chapter 8A—RUBBER

## § 174. Same; disposition of proceeds from sale.

Repeated in May 5, 1945, ch. 109, § 1, 59 Stat. 152; July 5, 1945, ch. 271, title I, 59 Stat. 423, but was not carried in the Department of Agriculture Appropriation Act of 1946, June 22, 1946, ch. 445, 60 Stat. 270.

## Chapter 13.—AGRICULTURAL AND MECHANICAL COLLEGES

## AGRICULTURAL EXTENSION WORK APPROPRIATION

## § 343c. Further additional appropriation for extension work.

## AMENDMENTS

1945—Act of June 6, 1945, ch. 175, § 2, 59 Stat. 233, amended section by inserting “(other than appropriations \* \* \* of this title)” in lieu of “(other than appropriations under this section)”.

**§ 343d-1. Further additional appropriation for extension work.**—(a) In order to further develop the cooperative extension system as inaugurated under sections 341-343, 344-348 of this title, particularly for the further development of county extension work, there are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics, including technical and educational assistance to farm people in improving their standards of living, in developing individual farm and home plans, better marketing and distribution of farm products, work with rural youth in 4-H Clubs and older out-of-school youth, guidance of farm people in improving farm and home buildings, development of effective programs in canning, food preservation, and nutrition, and for the necessary printing and distribution of information in connection with the foregoing, the following sums:

(1) \$4,500,000 for the fiscal year ending June 30, 1946, and each subsequent fiscal year;

(2) An additional \$4,000,000 for the fiscal year ending June 30, 1947, and each subsequent fiscal year; and

(3) An additional \$4,000,000 for the fiscal year ending June 30, 1948, and each subsequent fiscal year.

(b) The sums appropriated pursuant to this section shall be paid to the several States and the Territory of Hawaii in the same manner and subject to the same conditions and limitations as the additional sums appropriated under sections 341-343, 344-348 of this title, except that—

(1) not more than 2 per centum of the sum appropriated pursuant to this section for each fiscal year shall be available for paying expenses of the Extension Service in the United States Department of Agriculture;

(2) \$500,000 of the sum so appropriated for each fiscal year shall be allotted among the States and the Territory of Hawaii by the Secretary of Agriculture on the basis of special needs due to population characteristics, area in relation to farm population, or other special problems, as determined by such Secretary: *Provided*, That not to exceed 10 per centum shall be allotted under this subparagraph to any one State or the Territory of Hawaii for any fiscal year: *Provided further*, That these funds shall be matched by the State or Territory



receiving them, on the same basis as other funds under sections 343c to 343d-1, 427-427g of this title; and

(3) the remainder of the sum so appropriated for each fiscal year shall be paid to the several States and the Territory of Hawaii in the proportion that the farm population of each bears to the total farm population of the several States and Territory of Hawaii, as determined by the census of 1940.

(c) The sums appropriated pursuant to this section shall be in addition to and not in substitution for sums appropriated under sections 341-343, 344-348 of this title, or sums otherwise appropriated for agricultural extension work. Allotments to any State or the Territory of Hawaii for any fiscal year from the appropriations herein authorized shall be available for payment to such State or the Territory of Hawaii only if such State or the Territory of Hawaii complies, for such fiscal year, with the provisions with reference to offset of appropriations (other than appropriations under this section and section 343c of this title) for agricultural extension work. (June 29, 1935, ch. 338, § 23, as added June 6, 1945, ch. 175, § 1, 59 Stat. 231.)

## Chapter 14.—AGRICULTURAL EXPERIMENT STATIONS

### GENERAL PROVISIONS

**§ 367. Secretary to prescribe form of financial report by stations and to coordinate departmental work with that of stations.**—The Secretary shall prescribe the form of the annual financial statement required under this chapter, ascertain whether the expenditures are in accordance with their provisions, coordinate the research work of the State agricultural colleges and experiment stations in the lines authorized in this chapter with research of the Department in similar lines, and make report thereon to Congress. (June 30, 1939, ch. 253, title I, 53 Stat. 944; June 25, 1940, ch. 421, § 1, 54 Stat. 536; July 1, 1941, ch. 267, § 1, 55 Stat. 412; July 22, 1942, ch. 516, § 1, 56 Stat. 670; July 12, 1943, ch. 215, § 1, 57 Stat. 400; June 28, 1944, ch. 296, § 1, 58 Stat. 432; May 5, 1945, ch. 109, § 1, 59 Stat. 143; June 22, 1946, ch. 445, § 1, 60 Stat. 277.)

Act July 12, 1943, cited to text, made several minor changes in the wording of the section without affecting its substance.

## Chapter 17.—MISCELLANEOUS MATTERS

**§ 411b. Estimates of apple production.**—Estimates of apple production shall be confined to the commercial crop. (June 30, 1939, ch. 253, title I, 53 Stat. 968; June 25, 1940, ch. 421, § 1, 54 Stat. 555; July 1, 1941, ch. 267, § 1, 55 Stat. 430; July 22, 1942, ch. 516, § 1, 56 Stat. 687; July 12, 1943, ch. 215, § 1, 57 Stat. 398; June 28, 1944, ch. 296, § 1, 58 Stat. 430; May 5, 1945, ch. 109, § 1, 59 Stat. 140; June 22, 1946, ch. 445, § 1, 60 Stat. 274.)

**§ 414. Investigation and certification of condition, etc., of farm products offered for interstate shipment.**—The Secretary is authorized to investigate and certify, in one or more jurisdictions, to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm prod-



ucts when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered. (As amended June 30, 1939, ch. 253, title I, 53 Stat. 968; June 25, 1940, ch. 421, § 1, 54 Stat. 555; July 1, 1941, ch. 267, § 1, 55 Stat. 431; July 22, 1942, ch. 516, § 1, 56 Stat. 687; July 12, 1943, ch. 215, § 1, 57 Stat. 421; June 28, 1944, ch. 296, § 1, 58 Stat. 453; May 5, 1945, ch. 109, § 1, 59 Stat. 158; June 22, 1946, ch. 445, § 1, 60 Stat. 290.)

Act June 22, 1946, cited to text, amended section by omitting provisions relating to the Secretary's cooperation with other Government and State agencies, boards of trade, trade organizations, etc.

Act May 5, 1945, cited to text, amended section by eliminating the provisos which provided for reimbursement of employees for use of private vehicles, and the certificates of authorized agents as prima facie evidence.

Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of Agriculture".

**§ 419. Sale by Secretary of Agriculture of products of agricultural experiment station in Puerto Rico; disposition of moneys.**—Repeated in act May 5, 1945, ch. 109, § 1, 59 Stat. 143.

This provision was not carried in the Department of Agriculture Appropriation Act of 1946, June 22, 1946, ch. 445, 60 Stat. 270.

**§ 427. Agriculture research; declaration of policy; duties of Secretary of Agriculture; use of existing facilities.**—It is declared to be the policy of the Congress to promote the efficient production and utilization of products of the soil as essential to the health and welfare of our people and to promote a sound and prosperous agriculture and rural life as indispensable to the maintenance of maximum employment and national prosperity. It is also the intent of Congress to assure agriculture a position in research equal to that of industry which will aid in maintaining an equitable balance between agriculture and other sections of our economy. For the attainment of these objectives, the Secretary of Agriculture is authorized and directed to conduct and to stimulate research into the laws and principles underlying the basic problems of agriculture in its broadest aspects, including but not limited to: Research relating to the improvement of the quality of, and the development of new and improved methods of the production, marketing, distribution, processing, and utilization of plant and animal commodities at all stages from the original producer through to the ultimate consumer; research into the problems of human nutrition and the nutritive value of agricultural commodities, with particular reference to their content of vitamins, minerals, amino and fatty acids, and all other constituents that may be found necessary for the health of the consumer and to the gains or losses in nutritive value that may take place at any stage in their production, distribution, processing, and preparation for use by the consumer; research relating to the development of present, new, and extended uses and markets for agricultural commodities and byproducts as food or in commerce, manufacture, or trade, both at home and abroad, with particular reference to those foods and fibers for which our capacity to produce



exceeds or may exceed existing economic demand; research to encourage the discovery, introduction, and breeding of new and useful agricultural crops, plants, and animals, both foreign and native, particularly for those crops and plants which may be adapted to utilization in chemical and manufacturing industries; research relating to new and more profitable uses for our resources of agricultural manpower, soils, plants, animals, and equipment than those to which they are now, or may after August 14, 1946, be, devoted; research relating to the conservation, development, and use of land, forest, and water resources for agricultural purposes; research relating to the design, development, and the more efficient and satisfactory use of farm buildings, farm homes, farm machinery, including the application of electricity and other forms of power; research relating to the diversification of farm enterprises, both as to the type of commodities produced, and as to the types of operations performed, on the individual farm; research relating to any other laws and principles that may contribute to the establishment and maintenance of a permanent and effective agricultural industry including such investigations as have for their purpose the development and improvement of the rural home and rural life, and the maximum contribution by agriculture to the welfare of the consumer and the maintenance of maximum employment and national prosperity; and such other researches or experiments bearing on the agricultural industry or on rural homes of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of Puerto Rico, the respective States, and Territories. In effectuating the purposes of this section, maximum use shall be made of existing research facilities owned or controlled by the Federal Government or by State agricultural experiment stations and of the facilities of the Federal and State extension services. Research authorized under this section shall be in addition to research provided for under existing law (but both activities shall be coordinated so far as practicable). (As amended Aug. 14, 1946, ch. 966, title I, § 101, 60 Stat. 1082.)

Act Aug. 14, 1946, cited to text, amended section generally to provide for a greatly augmented research program in order to enable agriculture to attain a position in research comparable to that of other industries.

**§ 427h. Same; appropriations; availability of unexpended balances; allotments to experimental stations and Office of Experiment Stations.**—(a) In order to carry out further the purposes of section 427a of this title, there is authorized to be appropriated in addition to all other appropriations authorized by sections 427–427j of this title the following sums.

(1) \$2,500,000 for the fiscal year ending June 30, 1947, and each subsequent fiscal year.

(2) An additional \$2,500,000 for the fiscal year ending June 30, 1948, and each subsequent fiscal year.

(3) An additional \$5,000,000 for the fiscal year ending June 30, 1949, and each subsequent fiscal year.

(4) An additional \$5,000,000 for the fiscal year ending June 30, 1950, and each subsequent fiscal year.

(5) An additional \$5,000,000 for the fiscal year ending June 30, 1951, and each subsequent fiscal year.



(6) In addition to the foregoing such additional funds beginning with the fiscal year ending June 30, 1952, and thereafter, as the Congress may deem necessary.

The moneys appropriated in pursuance of said sections shall also be available for the purchase and rental of land and the construction or acquisition of buildings necessary for conducting research provided for in said sections, for the equipment and maintenance of such buildings, and for printing and disseminating the results of research. Sums appropriated in pursuance of said sections shall be in addition to, and not in substitution for, sums appropriated or otherwise made available for agricultural experiment stations. The said agricultural experiment stations are authorized to plan and conduct any research provided for under said sections in cooperation with each other and such other appropriate agencies and individuals as may contribute to the solution of these problems and sums appropriated in pursuance of said sections shall be available to meet the necessary expenses of such research.

Unexpended balances of allotments to experiment stations from appropriations made under this section during the first five fiscal years may remain available for expenditure by the same experiment stations at which the unexpended balances occurred for the purposes specified in section 427 of this title and for the following periods: Unexpended balances of the first year's allotments, five years; of the second fiscal year's allotments, four years; of the third fiscal year's allotments, three years; of the fourth fiscal year's allotments, two years; and of the fifth fiscal year's allotments, one year; and any unexpended balances of allotments to any experiment stations from appropriations made under this section of any subsequent fiscal year shall be deducted from the next succeeding annual allotments to such experiment stations.

(b) Not less than 97 per centum of the sums appropriated for any fiscal year under this section shall be available for the purposes of section 427a of this title to be allotted to Puerto Rico, each State and Territory as follows:

(1) Twenty per centum of the sums appropriated for any fiscal year under this section shall be allotted equally to Puerto Rico, each State and Territory: *Provided*, That no allotment and no payment under any allotment shall be made for any fiscal year in excess of the amount which Puerto Rico or the State or Territory makes available for such fiscal year out of its own funds, for research and for the establishment and maintenance of necessary facilities for the prosecution of such research. If Puerto Rico or any State or Territory fails to make available for such purposes for any fiscal year a sum equal to the amount to which it may be entitled for such year, the remainder of such amount shall be withheld by the Secretary.

(2) Not less than 52 per centum of the sums appropriated for any fiscal year under this section shall be allotted to Puerto Rico, each State and Territory as follows: One-half in an amount which bears the same ratio to the total amount to be allotted as the rural population of Puerto Rico or the State or Territory bears to the total rural population of Puerto Rico and all the States and Territories as determined by the last preceding decennial census; and one-half in an amount which bears the same ratio to the total amount to be allotted



as the farm population of Puerto Rico or the State or Territory bears to the total farm population of Puerto Rico and all the States and Territories as determined by the last preceding decennial census: *Provided*, That no allotment and no payment under any allotment shall be made for any fiscal year in excess of the amount which Puerto Rico, or the State or Territory makes available for such fiscal year out of its own funds for research and for the establishment and maintenance of necessary facilities for the prosecution of such research. If Puerto Rico or any State or Territory fails to make available for such purposes for any fiscal year a sum equal to the amount to which it may be entitled for such year, the remainder of such amount shall be withheld by the Secretary.

(3) Not more than 25 per centum of the sums appropriated for any fiscal year under this section shall be allotted to the States for co-operative research in which two or more State agricultural experiment stations are cooperating to solve problems that concern the agriculture of more than one State. The funds available for such purposes shall be designated as the "Regional research fund, Office of Experiment Stations" and shall be used only for cooperative regional projects recommended by a committee of nine persons elected by and representing the directors of the State agricultural experiment stations and approved by the Secretary of Agriculture or his authorized representative. The necessary travel expense of said committee of nine in performance of their duties may be paid from the regional research fund, Office of Experiment Stations, provided for under this subsection.

(c) Three per centum of the sums appropriated for any fiscal year under this section shall be available to the Office of Experiment Stations of the United States Department of Agriculture for administration of research under this section, including participation in planning and coordinating the cooperative regional research. (June 29, 1935, ch. 338, § 9, as added Aug. 14, 1946, ch. 966, title I, § 101, 60 Stat. 1082.)

**§ 427i. Same; additional appropriations; administrative expenses; availability of special research fund.**—(a) In order to carry out further research on utilization and associated problems in connection with the development and application of present, new, and extended uses of agricultural commodities and products thereof authorized by section 427 of this title, and to disseminate information relative thereto, and in addition to all other appropriations authorized by sections 427–427j of this title, there is authorized to be appropriated the following sums:

(1) \$3,000,000 or the fiscal year ending June 30, 1947, and each subsequent fiscal year.

(2) An additional \$3,000,000 for the fiscal year ending June 30, 1948, and each subsequent fiscal year.

(3) An additional \$3,000,000 for the fiscal year ending June 30, 1949, and each subsequent fiscal year.

(4) An additional \$3,000,000 for the fiscal year ending June 30, 1950, and each subsequent fiscal year.

(5) An additional \$3,000,000 for the fiscal year ending June 30, 1951, and each subsequent fiscal year.

(6) In addition to the foregoing such additional funds beginning with the fiscal year ending June 30, 1952, and thereafter, as the Congress may deem necessary.



The Secretary of Agriculture, in accordance with such regulations as he deems necessary, and when in his judgment the work to be performed will be carried out more effectively, more rapidly, or at less cost than if performed by the Department of Agriculture, may enter into contracts with such public or private organizations or individuals as he may find qualified to carry on work under this section without regard to the provisions of section 5 of Title 41, and with respect to such contracts he may make advance progress or other payments without regard to the provisions of section 529 of Title 31. Contracts under this section may be made for work to continue not more than four years from the date of any such contract. Notwithstanding the provisions of section 713 of Title 31, any unexpended balances of appropriations properly obligated by contracting with an organization as provided in this subsection may remain upon the books of the Treasury for not more than five fiscal years before being carried to the surplus fund and covered into the Treasury. Research authorized under this subsection shall be conducted so far as practicable at laboratories of the Department of Agriculture. Projects conducted under contract with public and private agencies shall be supplemental to and coordinated with research of these laboratories. Any contracts made pursuant to this authority shall contain requirements making the results of research and investigation available to the public through dedication, assignment to the Government, or such other means as the Secretary shall determine.

(b) In order to carry out further the purposes of section 427 of this title, other than research on utilization of agricultural commodities and the products thereof, and in addition to all other appropriations authorized by sections 427-427j of this title, there is authorized to be appropriated for cooperative research with the State agricultural experiment stations and such other appropriate agencies as may be mutually agreeable to the Department of Agriculture and the experiment stations concerned, the following sums:

(1) \$1,500,000 for the fiscal year ending June 30, 1947, and each subsequent fiscal year.

(2) An additional \$1,500,00 for the fiscal year ending June 30, 1948, and each subsequent fiscal year.

(3) An additional \$1,500,000 for the fiscal year ending June 30, 1949, and each subsequent fiscal year.

(4) An additional \$1,500,000 for the fiscal year ending June 30, 1950, and each subsequent fiscal year.

(5) In addition to the foregoing such additional funds beginning with the fiscal year ending June 30, 1951, and thereafter, as the Congress may deem necessary.

(c) The Secretary may incur necessary administrative expenses not to exceed 3 per centum of the amount appropriated in any fiscal year in carrying out this section, including the specific objects of expense enumerated in section 427b of this title.

(d) The "Special research fund, Department of Agriculture", provided by section 427c of this title, shall continue to be available solely for research into laws and principles underlying basic problems of agriculture in its broadest aspects; research relating to the improvement of the quality of, and the development of, new and improved methods of production of, distribution of, and new and extended uses and markets for, agricultural commodities and byproducts and manu-



factures thereof; and research relating to the conservation, development, and use of land and water resources for agricultural purposes. Such research shall be in addition to research provided for under other law (but both activities shall be coordinated so far as practicable) and shall be conducted by such agencies of the Department of Agriculture as the Secretary of Agriculture may designate or establish. (June 29, 1935, ch. 338, § 10, as added Aug. 14, 1946, ch. 966, title I, § 101, 60 Stat. 1082.)

**§ 427j. Same; use of funds for market research projects; report to Congress.**—Notwithstanding any other provision of sections 427–427j of this title, (1) not less than 20 per centum of the funds authorized to be appropriated under section 427h (a) of this title shall be used by State agricultural experiment stations for conducting marketing research projects approved by the Department of Agriculture, and (2) cooperative research projects provided for under sections 427h (b) (3) and 427i (b) of this title shall be carried out under cooperative agreements between the Secretary of Agriculture and the cooperating agencies and shall include appropriate provisions for preventing duplication or overlapping of work within the State or States cooperating. Should duplication or overlapping occur subsequent to approval of a cooperative research project, the Secretary of Agriculture is authorized and directed to withhold unexpended balances on such projects notwithstanding the prior approval thereof. The Secretary of Agriculture shall include in his annual report to Congress a complete statement of research work being performed under contracts or cooperative agreements under sections 427–427j of this title, showing the names of the agencies cooperating and the amounts expended thereon, segregated by Federal and non-Federal funds. (June 29, 1935, ch. 338, § 11, as added Aug. 14, 1946, ch. 966, title I, § 101, 60 Stat. 1082.)

**§ 428. Option to purchase lands.**—Repeated in act May 5, 1945, ch. 109, § 1, 59 Stat. 136; and June 22, 1946, ch. 445, § 1, 60 Stat. 271.

Adjustment of title to lands under jurisdiction of Secretary of Agriculture, see section 567 of Title 5, Executive Departments and Government Officers and Employees.

**§ 433. Domestic raising of fur-bearing animals; classification.**—For the purposes of all classification and administration of Acts of Congress, Executive orders, administrative orders, and regulations pertaining to—

(a) fox, rabbit, mink, chinchilla, marten, fisher, muskrat, karakul and all other fur-bearing animals, raised in captivity for breeding or other useful purposes shall be deemed domestic animals;

(b) such animals and the products thereof shall be deemed agricultural products; and

(c) the breeding, raising, producing, or marketing of such animals or their products by the producer shall be deemed an agricultural pursuit. (Apr. 30, 1946, c. 242, § 1, 60 Stat. 127.)

**Effective date.**—Section 3 of act Apr. 30, 1946, cited to text, provided that this section and section 434 of this title should become effective sixty days after Apr. 30, 1946.

**§ 434. Same; transfer of functions, appropriations, records and property to Secretary of Agriculture.**—(a) All the functions of the Secretary of the Interior and the Fish and Wildlife Service of the Department of the Interior, which affect the breeding, raising,



producing, marketing, or any other phase of the production or distribution, of domestically raised fur-bearing animals, or products thereof, are transferred to and vested in the Secretary of Agriculture.

(b) Appropriations and unexpended balances of appropriations, or parts thereof, which the Director of the Budget determines to be available for expenditure for the administration of any function transferred by this section and section 433 of this title, shall be available for expenditure for the continued administration of such function by the officer to whom such function is so transferred.

(c) All records and property (including office furniture and equipment) under the jurisdiction of the Secretary of the Interior and the Fish and Wildlife Service of the Department of the Interior used primarily in connection with the administration of functions transferred by said sections are transferred to the jurisdiction of the Secretary of Agriculture. (Apr. 30, 1946, ch. 242, § 2, 60 Stat. 127.)

Effective date, see note set out under section 433 of this title.

### Chapter 19.—COTTON STATISTICS AND ESTIMATES

**§ 475. Cotton crop reports.**—The Secretary of Agriculture shall discontinue making his reports based upon farmers' intention to plant cotton and shall cause to be issued after August 8, 1946, only five reports, one as of August 1, one as of September 1, one as of October 1, one as of November 1, and one as of December 1, each of which shall state the condition and progress of the crop and the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton-ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at 11 o'clock antemeridian of the eighth day following that to which the respective reports relate. When such date of release falls on Sunday, a legal holiday, or other day which pursuant to statute or Executive order is a nonworkday in the Department of Agriculture at Washington generally, the report shall be issued at 11 o'clock antemeridian of the next succeeding workday. No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton-crop reporting committee or board consisting of five members or more to be designated by him, not less than three of which shall be supervisory field statisticians of the Department of Agriculture located in different sections of the cotton-growing States, experienced in estimating cotton production and who shall have first hand knowledge of the condition of the cotton crop based upon recent field observations, and the majority of which committee or board shall be familiar with the methods and practices of producing cotton. (As amended Aug. 8, 1946, ch. 909, 60 Stat. 940.)

Act Aug. 8, 1946, cited to text, amended section to provide for the issuing of releases on the next succeeding workday following any day which pursuant to an Executive order or statute is a nonworkday in addition to the same provisions relating to Sundays and legal holidays.

### Chapter 23—FOREIGN AGRICULTURAL SERVICE

**§§ 541-545. Repealed.** Aug. 13, 1946, ch. 957, Title XI, § 1131 (56), 60 Stat. 1039.

**Effective date.**—Repeal of sections made effective three months following Aug. 13, 1946, by section 1141 of act Aug. 13, 1946, ch. 957, title XI, 60 Stat. 1040.



**Transfer of functions.**—Functions of Foreign Agriculture Service had been transferred and consolidated with the State Department Foreign Service by 1939 Reorg. Plan No. II, § 1 (a-c), set out as a note under section 133t of Title 5, Executive Departments and Government Officers and Employees.

## Chapter 26.—AGRICULTURAL ADJUSTMENT ACT

### COMMODITY BENEFITS

EXECUTIVE ORDER NO. 9705

Mar. 15, 1946, 11 F. R. 2811

#### § 608c.

#### DELEGATION OF CERTAIN FUNCTIONS AND AUTHORITY TO ECONOMIC STABILIZATION DIRECTOR

1. The Economic Stabilization Director is authorized to give final approval on behalf of the President to orders issued by the Secretary of Agriculture under section 8c of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. A. 608c), and to perform all of the functions and exercise all of the authority vested in the President by the said section.

2. All actions heretofore taken by the Economic Stabilization Director or by the Stabilization Administrator in the Office of War Mobilization and Reconversion approving orders issued by the Secretary of Agriculture under the said section 8c of the Agricultural Marketing Agreement Act of 1937, as amended, are hereby ratified and confirmed.

**§ 608c-1. Repealed.** June 29, 1945, ch. 196, 59 Stat. 263.—Section, as amended by act Feb. 10, 1942, ch. 52, § 1, 56 Stat. 85, related to orders applicable to hops.

#### § 610. Powers of Secretary of Agriculture generally

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Subsection has been reprinted to conform with change in U. S. Code.

Provisions of this section ceased to apply to sugar on Sept. 1, 1937. See section 1180 of this title.

**Appropriations for refunds and payments of processing and related taxes and limitations thereon.**—Acts June 25, 1938, ch. 681, 52 Stat. 1150; May 6, 1939, ch. 115, § 1, 53 Stat. 661, 662; Feb. 12, 1940, ch. 28, § 1, 54 Stat. 36; Mar. 25, 1940, ch. 71, title I, 54 Stat. 61; May 31, 1941, ch. 156, title I, § 1, 55 Stat. 218; Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 156; June 30, 1943, ch. 179, title I, 57 Stat. 257; Apr. 22, 1944, ch. 175, title I, § 1, 58 Stat. 201; Apr. 24, 1945, ch. 92, title I, 59 Stat. 62; July 20, 1946, ch. 588, title I, 60 Stat. 574.

**Transfer of functions.**—1946 Reorg. Plan No. 3, § 501, eff. July 16, 1945, 11 F. R. 7877, 60 Stat. 1100, set out in note under section 133y-16 of title 5, transferred the functions of the Agricultural Adjustment Administration to the Secretary of Agriculture. In his letter to Congress, the President stated that the purpose of this transfer was to permit the Secretary of Agriculture to continue the consolidation already effected in the Production and Marketing Administration. By temporary Executive Orders 9069, 9280, 9322, 9334, and 9577, set out in notes under section 601 of Appendix to Title 50, the Agricultural Adjustment Administration had been successively consolidated into the Agricultural Conservation and Adjustment Administration, the Food Production Administration and the War Food Administration, which was terminated and its functions transferred to the Secretary of Agriculture by said Ex. Ord. 9577. The Secretary of Agriculture consolidated the functions of the Agricultural Adjustment Administration into the Production and Marketing Administration by Memorandum 1118, Aug. 18, 1945.

Agricultural Adjustment Administration consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to Title 50, War.

#### § 612a. Additional appropriation authorized; use in connection with dairy and beef products

**Transfer of functions.**—The name of the Federal Surplus Relief Corporation was changed to Federal Surplus Commodities Corporation by amendment of its



charter in 1935. It was consolidated with the Division of Marketing and Marketing Agreements of the Agricultural Adjustment Administration to form the Surplus Marketing Administration by 1940 Reorg. Plan No. III, § 5, 5 F. R. 2108, 54 Stat. 1232, set out as note under section 133t of title 5. By Executive orders under the First War Powers Act, 50 U. S. C. A. App. § 601, the Surplus Marketing Administration was merged into the Agricultural Marketing Administration, which was consolidated into the Food Distribution Administration, which was consolidated into the War Food Administration, which was terminated and its functions transferred to the Secretary of Agriculture. By Memorandum 1118, Secretary of Agriculture, Aug. 18, 1945, the functions of the Federal Surplus Commodities Corporation were transferred to the Production and Marketing Administration. 1946 Reorg. Plan No. 3, cited to text, transferred the functions of the Surplus Marketing Administration to the Secretary of Agriculture. In his letter to Congress, the President stated that the purpose of this transfer was to permit the Secretary of Agriculture to continue the consolidation already effected in the Production and Marketing Administration.

### Chapter 33.—FARM TENANCY

#### SUBCHAPTER I. TENANT PURCHASE LOANS AND MORTGAGE INSURANCE

Act Aug. 14, 1946, ch. 964, § 5, 60 Stat. 1072, amended subchapter heading to read as now set out.

**§ 1001. Power of Secretary; persons eligible; preferences; conditions for loan on mortgage.**—(a) The Secretary of Agriculture (referred to in this chapter as the "Secretary") is authorized to make loans and to insure mortgages in the United States and in the Territories of Alaska and Hawaii and in Puerto Rico to persons eligible to receive the benefits of sections 1001-1005d of this title to enable such persons to acquire, repair or improve family-size farms, or to refinance indebtedness against undersized or underimproved units when loans are being made or insured by the Secretary to enlarge or improve such units. Loans may also be made to assist borrowers under said sections in making the improvements needed to adjust their farming operations to changing conditions.

(b) (1) Except with respect to veterans qualified under subsection (b) (2) of this section, only farm tenants, farm laborers, sharecroppers, and other individuals (including owners of inadequate or underimproved farm units) who obtain, or who recently obtained, the major portion of their income from farming operations, shall be eligible to receive the benefits of sections 1001-1005d of this title. In making available the benefits of said sections, the Secretary shall give preference to persons who are married, or who have dependent families, and, wherever practicable, to persons who are able to make an initial down payment, or who are owners of livestock and farm implements necessary successfully to carry on farming operations. No person shall be eligible who is not a citizen of the United States.

(2) Any veteran (defined herein as a person who served in the land or naval forces of the United States during any war between the United States and any other nation, and who shall have been discharged or released therefrom under conditions other than dishonorable) who intends to engage in farming as a principal occupation, and who meets the requirements of rules and regulations prescribed by the Secretary as to industry, experience, character, and other assurances of success as farmers, shall be eligible for the benefits of sections 1001-1005d of this title and their applications shall be entitled to preference over those of nonveterans.



(c) No loan shall be made, or mortgage insured, for the acquisition, improvement, or enlargement of any farm unless it is of such size and type as the Secretary determines to be sufficient to constitute an efficient family-type farm-management unit and to enable a diligent farm family to carry on successful farming of a type which the Secretary deems can be carried on successfully in the locality in which the farm is situated: *Provided*, That loans may be made to veterans, or mortgages insured for veterans, as defined in subsection (b) (2) of this section, who have pensionable disabilities, to enable such veterans to acquire, enlarge, repair, or improve farm units of sufficient size to meet the farming capabilities of such veterans and afford them income which, together with their pensions, will enable them to meet living and operating expenses and the amounts due on their loans. (As amended Aug. 14, 1946, ch. 964, § 5, 60 Stat. 1062.)

Act. Aug. 14, 1946, cited to text, amended section to authorize Secretary to insure mortgages and to exempt veterans from eligibility requirements as to loans.

**Short title.**—Congress in enacting this chapter, section 82h of title 31 and amendments to section 371 of title 12 and section 35–535 of the District of Columbia Code, provided by section 1 of act Aug. 14, 1946, cited to text, that they should be popularly known as the “Farmers’ Home Administration Act of 1946”.

**Transfer and disposition of certain agencies and their assets, functions, and personnel.**—Section 2 of act Aug. 14, 1946, cited to text, provided that:

“(a) The following agencies, functions, powers, and duties are hereby abolished and the following laws relating thereto repealed:

“(1) The Farm Security Administration and all of its functions, powers, and duties.

“(2) All functions, powers, and duties of the Governor of the Farm Credit Administration which relate to the making, administration, and liquidation of (a) all loans to farmers under the act entitled ‘An act to provide for loans to farmers for crop production and harvesting during the year 1937, and for other purposes’, approved January 29, 1937 [former sections 1020i–1020n, and 1020o of title 12]; (b) all loans identified or referred to in sections 5 (b), 5 (c), and 5 (d) of Executive Order Numbered 6084, dated Mar. 27, 1933 [set out as a note preceding section 451 of this title], and (c) all other emergency crop production, feed, seed, drought, and rehabilitation loans administered by the Farm Credit Administration on the effective date of this act [Aug. 14, 1946].

“(3) All functions, powers, and duties of the National Housing Agency with respect to property, funds, and other assets which were formerly under the administration or supervision of the Farm Security Administration and were transferred to or consolidated with the National Housing Agency by Executive Order Numbered 9070 of February 24, 1942 [set out as a note under section 601 of appendix to title 50], except housing projects and except such other properties and assets as are now in the process of liquidation.

“(b) All assets, funds, contracts, property, and records and all liabilities of the agencies abolished by this act [this chapter, section 371 of title 12, and section 82h of title 31] and all assets, funds, contracts, property, and records which the Secretary of Agriculture, the Governor of the Farm Credit Administration, and the National Housing Administrator have been using or have acquired primarily in the administration of any function, power, or duty so abolished and all liabilities chargeable thereto shall be collected or liquidated, as the case may be, by the Secretary of Agriculture, in accordance with this act [this chapter, section 371 of title 12, and section 82h of title 31] and the Bankhead-Jones Farm Tenant Act, as amended [sections 1001–1005d, 1007, and 1008–1029 of this title]. The Secretary shall promptly transmit to the Treasurer of the United States for appropriate credits all collections or other proceeds realized from the assets, funds, contracts and property which are authorized to be administered, collected or liquidated by this act [this chapter, section 371 of title 12, and section 82h of title 31], except that (1) the Secretary may retain so much of the personal property, such as office furniture, equipment, machines, automobiles, stationery, and office supplies, as he finds will be necessary in carrying out his duties under this act [this chapter, section 371 of title 12, and section 82h of title 31] and the Bankhead-Jones Farm Tenant Act, as amended [sections 1001–1005d, 1007, and



1008-1029 of this title]; (2) until the loans obtained by the Secretary of Agriculture or the War Food Administrator from the Reconstruction Finance Corporation for carrying on the Farm Security programs have been paid, the Secretary shall pay to the Reconstruction Finance Corporation, as collected, in accordance with the terms of the applicable loan agreements, the proceeds of all assets transferred to him for administration and liquidation which are pledged as security for such loans; and (3) the proceeds from collections on farmers' crop production and harvesting loans [former sections 1020i-1020n and 1020o of title 12] made available by the paragraph entitled 'Farmers' crop production and harvesting loans' under the item 'Farm Credit Administration' in the Department of Agriculture Appropriation Act, 1947 [act June 22, 1946, c. 445, 60 Stat. 270], shall be available to the Secretary of Agriculture for the fiscal year 1947 for making loans under title II of the Bankhead-Jones Farm Tenant Act, as amended [sections 1007, 1008, and 1009 of this title].

"(c) The funds appropriated, authorized to be borrowed, and made available under the items 'Farmers' crop production and harvesting loans' (under the heading 'Farm Credit Administration'), 'Loans, Grants, and Rural Rehabilitation' and 'Farm Tenancy', in the Department of Agriculture Appropriation Act, 1947 [act June 22, 1946, ch. 445, 60 Stat. 270], shall be available for the making and servicing of loans under this act [this chapter, section 371 of title 12, and section 82h of title 31], for servicing and collecting loans made under prior authority, liquidation of rural rehabilitation projects, and for administrative expenses in connection therewith, and to the extent that such funds are validly obligated and committed on June 30, 1947, shall be available for use by the Secretary in fulfilling such obligations and commitments subject to the limitations set forth in the acts appropriating or authorizing such funds.

"(d) All labor supply centers, labor homes, labor camps, and facilities formerly under the supervision or administration of the Farm Security Administration and originally transferred or made available to the War Food Administrator for use in the farm labor supply program pursuant to Public Law 45, Seventy-eighth Congress, approved Apr. 29, 1943 (57 Stat. 70) [set out as a note under section 1351 of appendix to title 50], and all similar labor centers, homes, camps, and facilities constructed or acquired by the War Food Administrator or the Department of Agriculture pursuant to subsequent similar laws or otherwise, shall be liquidated as provided in this act [this chapter, section 371 of title 12, and section 82h of title 31] and the proceeds paid to the Treasurer of the United States as each such center, home, camp, or facility is no longer needed in the farm labor supply program originally initiated pursuant to Public Law 45 [set out as a note under section 1351 of appendix to title 50], or until six months after the termination of the present hostilities as determined by concurrent resolution of the Congress, or by the President, whichever is the earlier.

"(e) Any of the personnel that is being utilized on the effective date of this act [Aug. 14, 1946] for the performance of functions, powers, or duties abolished or transferred by this act [this chapter, section 371 of title 12, and section 82h of title 31], including, but not limited to those related to emergency crop and feed loans, shall be utilized by the Secretary of Agriculture in the performance of his duties and functions under this act [this chapter, section 371 of title 12, and section 82h of title 31] and the Bankhead-Jones Farm Tenant Act, as amended [sections 1001-1005d, 1007, and 1008-1029 of this title], to the extent that he determines that such personnel are qualified and necessary therefor.

"(f) The Secretary of Agriculture shall liquidate, as expeditiously as possible, trusts under the transfer agreements with the various State Rural Rehabilitation Corporations and is authorized and directed to negotiate with responsible officials to that end.

"(g) With the approval of the Secretary of Agriculture, the consummation of the transfer of any function, power, duty, asset, or liability transferred by this act [this chapter, section 371 of title 12, and section 82h of title 31] may be delayed not in excess of ninety days after the effective date of this act [Aug. 14, 1946], during which time such function, power, or duty, and any function, power, or duty abolished by this act [this chapter, section 371 of title 12, and section 82h of title 31], may be administered by such agency as the Secretary may designate and in accordance with such rules and regulations as the Secretary may prescribe. Such rules and regulations shall, however, conform as nearly as may be practicable to the provisions of this act [this chapter, section 371 of title 12, and section 82h of title 31], the several appropriation Acts which are involved, or the Bankhead-Jones Farm Tenant act, as amended [sections 1001-1005d, 1007, and 1008-1029 of this title], whichever is appropriate."



**Appropriation on loans.**—The Department of Agriculture Appropriation Act of 1947, June 22, 1946, ch. 445, § 1, 60 Stat. 294, provided in part: "For loans to individual farmers in accordance with title I of said act [7 U. S. C. §§ 1006–1007] and section 505 (b) of the Servicemen's Readjustment Act of 1944 (38 U. S. C. § 694e (b)), \$50,000,000, including \$25,000,000 for loans to eligible veterans which may be distributed, without regard to the provisions of section 4 of the Bankhead-Jones Farm Tenant Act [7 U. S. C. § 1004], among the States and Territories in such amounts as are necessary to make such loans, which sums shall be borrowed from the Reconstruction Finance Corporation at an interest rate of not to exceed 3 per centum per annum and no loans, excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary, in the county, parish, or locality where the farm is located; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary upon the security of any obligations of borrowers from the Secretary under the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. §§ 1000–1006): Provided, That the amount loaned by the Reconstruction Finance Corporation shall not exceed 85 per centum of the principal amount outstanding of the obligations constituting the security therefor: *Provided further*, That the Secretary may utilize proceeds from payments of principal and interest on any loans made under such title I to repay the Reconstruction Finance Corporation the amount borrowed therefrom under the authority of this paragraph."

Similar appropriations have been carried in prior appropriation acts as follows:

- 1945—May 5, 1945, ch. 109, § 1, 59 Stat. 161.
- 1944—June 28, 1944, ch. 296, § 1, 58 Stat. 457.
- 1943—July 12, 1943, ch. 215, § 1, 57 Stat. 427.
- 1942—July 22, 1942, ch. 516, § 1, 56 Stat. 695.
- 1941—July, 1941, ch. 267, § 1, 55 Stat. 439.
- 1940—June 25, 1940, ch. 421, § 1, 54 Stat. 564.

**§ 1002. Examination, appraisal, and certification of loans and insurance by county committee.**—(a) The county committees established under section 1016 of this title shall—

(1) examine applications (filed with the chairman of the county committee, or with such other person as the Secretary may designate) of persons desiring to obtain the assistance of the Secretary in financing the acquisition of farms or farming operations in the country as provided in this chapter; and

(2) examine and appraise farms in the county with respect to which applications are made.

(b) If the committee finds that an applicant is eligible to receive the benefits of this chapter, that, in the opinion of the committee, by reason of his character, ability, industry, and experience, he will successfully carry out undertakings required of him under a loan which may be made or insured under this chapter, that credit sufficient in amount to finance the actual needs of the applicant, specified in the application, is not available to him at the rates (but not exceeding the rate of 5 per centum per annum) and terms prevailing in the community in or near which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source; and that the farm with respect to which the application is made is of such character that there is a reasonable likelihood that the making or insuring of the loan with respect thereto will carry out the purposes of sections 1001–1005d of this title, it shall so certify to the Secretary. The committee shall also certify to the Secretary the amount which the committee finds is the fair and reasonable value of the farm based upon its normal earning



capacity. The farm shall be appraised by competent employees of the Secretary thoroughly trained in appraisal techniques and the appraisal shall be made available to the county committee and the Secretary for their guidance in determining the value of the farm as specified above.

(c) No member of the committee shall participate in any certification under his <sup>1</sup> section with respect to any application or farm in which such member, or any person related to such member within the third degree of consanguinity or affinity has any pecuniary interest, direct or <sup>2</sup> indirect, or in which any of them had such interest within one year prior to the date of certification.

(d) No loan shall be made for any purpose under this chapter and no mortgage shall be insured under this chapter, unless certification by the committee, as required under this section, has been made with respect to the applicant applying for the loan and with respect to the farm which is to be taken as security either for an insured or an uninsured mortgage. (As amended Aug. 14, 1946, ch. 964, § 5, 60 Stat. 1072.)

Act Aug. 14, 1946, cited to text, amended section by making minor revisions in the language of the section.

**§ 1003. Terms of loans.**—(a) Loans made under sections 1001-1005d of this title shall be in such amount (not in excess of the amount certified by the county committee to be the value of the farm) as may be necessary to enable the borrower to acquire the farm and for necessary repairs and improvements thereon, and shall be secured by a first mortgage or deed of trust on the farm. Loans may not be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-type farm-management units, as determined by the Secretary, in the county, parish, or locality where the farm is located.

(b) The instruments under which the loan is made and security given therefor shall—

(1) provide for the repayment of the loan within an agreed period of not more than forty years from the making of the loan;

(2) provide for the payment of interest on the unpaid balance of the loan at the rate of  $3\frac{1}{2}$  per centum per annum;

(3) provide for the repayment of the unpaid balance of the loan, together with interest thereon, in installments in accordance with amortization schedules prescribed by the Secretary;

(4) be in such form and contain such covenants as the Secretary shall prescribe to secure the payment of the unpaid balance of the loan, together with interest thereon, to protect the security, and to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented, and that such proper farming conservation practices as the Secretary shall prescribe will be carried out;

(5) provide that the borrower shall pay taxes and assessments on the farm to the proper taxing authorities, and insure and pay for insurance on farm buildings;

(6) provide that upon the borrower's assigning, selling, or otherwise transferring the farm, or any interest therein, without the consent of the Secretary, or upon default in the performance of, or upon any failure to comply with, any covenant or condition contained in such

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<sup>1</sup> So in original. Probably should read "this".

<sup>2</sup> So in original. Probably should read "or".



instruments, or upon involuntary transfer or sale, the Secretary may declare the amount unpaid immediately due and payable, and that, without the consent of the Secretary, no final payment shall be accepted, or release of the Secretary's interest be made, less than five years after the making of the loan; and

(7) contain the provisions for refinancing specified in section 1018 (c) of this title.

(c) Except as provided in paragraph (6) of subsection (b) of this section, no instrument provided for in this section shall prohibit the prepayment of any sum due under it.

(d) No provision of section 203 of Title 11, otherwise applicable in respect to any indebtedness incurred under sections 1001–1005d of this title by any beneficiary thereof, shall be applicable in respect of such indebtedness until such beneficiary has repaid at least 15 per centum thereof. (As amended Aug. 14, 1946, ch. 964, § 5, 60 Stat. 1072.)

Act Aug. 14, 1946, cited to text, amended section by increasing the interest rate from 3 per centum to 3½ per centum.

**§ 1004. Equitable distribution of loans and mortgage insurance**—In making loans and insuring mortgages under sections 1001–1005d of this title, the amount which is devoted to such purposes during any fiscal year shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary: *Provided*, That there may be distributed to each State such amounts as are necessary to insure mortgages or finance loans pursuant to all bona fide applications from veterans qualified under section 1001 of this title: *Provided further*, That there may be disbursed in any fiscal year to each State or Territory such amount not in excess of \$100,000 as is determined by the Secretary to be necessary to finance loans in such State or Territory under sections 1001–1005d of this title. (As amended Aug. 14, 1946, ch. 964, § 5, 60 Stat. 1072.)

Act Aug. 14, 1946, cited to text, amended section by adding provisions.

**§ 1005. Appropriations.**—To carry out the provisions of sections 1001–1005d of this title with respect to tenant-purchase loans, there is authorized to be appropriated not to exceed \$50,000,000 for each fiscal year beginning with the fiscal year ending June 30, 1947, and such further sums as may be necessary in carrying out the provisions of said sections during such fiscal year, with respect to tenant purchase loans and insured mortgages. (As amended Aug. 14, 1946, ch. 964, § 5, 60 Stat. 1072.)

Act Aug. 14, 1946, cited to text, amended section generally to provide for appropriations.

**§ 1005a. Farm tenant mortgage insurance fund; appropriation; disposition of excess; use; annual report.**—(a) There is created a fund, to be known as the “farm tenant-mortgage insurance fund” (in sections 1001–1005d of this title referred to as the “fund”), which shall be used by the Secretary as a revolving fund for carrying out the provisions of said sections with respect to mortgages insured under section 1005b of this title and to mortgages accepted for the account of the fund under section 1005c of this title. There is authorized to be appropriated to the Secretary the sum of \$25,000,000 to constitute such fund.



(b) Moneys in the fund not needed for current operations shall be deposited with the Treasurer of the United States to the credit of the fund or invested in direct obligations of the United States or obligations guaranteed as to principal, and interest by the United States. The Secretary may purchase, with money in the fund, any notes issued by the Secretary to the Secretary of the Treasury to obtain money for the fund.

(c) All amounts deposited in or credited to the fund and the proceeds of investments of amounts in the fund shall be used only for purposes to which the fund is specifically authorized to be devoted under sections 1001-1005d of this title and shall not be diverted to any other use.

(d) The Secretary shall include in his annual report a complete statement with respect to the status of the fund. (Aug. 14, 1946, ch. 964, § 5, 60 Stat. 1072.)

**§ 1005b. Insurance of mortgages—Authorization to Secretary.—**

(a) The Secretary is authorized, upon application of a prospective mortgagor or mortgagee under a first mortgage eligible for insurance under sections 1001-1005d of this title, to insure such mortgage and to make commitments for the insurance of any such mortgage prior to the date of its execution.

(b) **Aggregate amount of mortgages.**—The aggregate amount of principal obligations on all mortgages insured under sections 1001-1005d of this title, on all mortgages with respect to which commitments to insure have been made, and on all mortgages accepted for the account of the fund and not disposed of under section 1005d of this title shall not exceed \$100,000,000 in any one fiscal year. With respect to any fiscal year, the amount available for insurance, commitment and acceptance of mortgages under sections 1001-1005d of this title shall be distributed among the several States and Territories on the basis provided in section 1004 of this title and preferences shall be given to mortgages executed by veterans qualified under section 1001 of this title.

(c) **Eligibility provisions.**—In order for a mortgage to be eligible under sections 1001-1005d of this title—

(1) the person obligated to pay thereunder shall be a person who would be eligible under section 1001 of this title for a loan under sections 1001-1005d of this title;

(2) the farm mortgaged shall be one with respect to which, under section 1001 (c) of this title, a loan could be made under sections 1001-1005d of this title;

(3) there shall be an appropriate certification by the county committee as required by section 1002 of this title;

(4) the mortgage instruments shall comply with section 1003 (b) of this title, except that the base rate of interest shall be  $2\frac{1}{2}$  per centum per annum;

(5) the principal obligation (and fees and other charges chargeable under subsection (d) of this section) shall not exceed 90 per centum of the reasonable value of the farm and necessary repairs and improvements thereon, as such values are certified by the county committee pursuant to section 1002 (b) of this title;

(6) the mortgage instruments shall contain a covenant to pay to the Secretary the initial and annual charges provided for in sub-



sections (d) and (e) of this section, and a covenant to pay to the Secretary, as collection agent for the mortgagee, the amounts payable by the mortgagor to the mortgagee under the mortgage; and

(7) the mortgage instruments shall contain a stipulation (not binding upon the Secretary) that the holder of the mortgage will accept the benefits provided by section 1005c of this title in lieu of any right of foreclosure which he may have against the property and any right to a deficiency judgment against the mortgagor on account of the mortgage.

**(d) Payment of initial fees; disposition.**—The Secretary shall require the payment by the mortgagor or mortgagee of such initial fees for inspection, appraisal, and other charges as it finds necessary and such amounts may be included in the principal obligation of the mortgage, and the payment of such delinquency charges and default reserves as it finds necessary. The proceeds of such fees shall be deposited in the Treasury for use for administrative expense as provided in subsection (e) (2) of this section.

**(e) Collection of initial charge; disposition.**—(1) The Secretary shall collect from the mortgagor, upon insurance of the mortgage, an initial charge of 1 per centum of the principal obligation of the mortgage and annually thereafter when payment of an installment of principal and interest is due, a charge of 1 per centum of the principal obligation remaining unpaid after such installment is paid, without taking into account delinquent payments or prepayments. If the principal obligation of the mortgage is paid in full in less than five years after the time when the mortgage was entered into, the Secretary may require payment by the mortgagor of a charge equal to the amount of the last annual charge required of the mortgagor.

(2) One-half of the amount paid as charges in pursuance of this subsection shall be the premium for insurance and shall be deposited in the fund and may be used only for purposes to which the fund may be devoted, the other half of the amounts so paid shall be deposited in the Treasury to the credit of the Secretary and shall be available only for administrative expenses to carry out the provisions of sections 1001–1005d of this title, relating to mortgage insurance.

**(f) Payment of sums to mortgagee; payment of full amount; repayments to fund.**—(1) The Secretary shall promptly remit to the mortgagee under any mortgage insured under sections 1001–1005d of this title any sums collected by it as agent for the mortgagee. The Secretary shall promptly advise any such mortgagee of any default by the mortgagor.

(2) If within thirty days after the due date of any installment the mortgagor under an insured mortgage has failed to pay to the Secretary the amount due, the Secretary shall notwithstanding the amount paid is less than the interest and principal due, pay the amount of such principal and interest to the mortgagee, less the amount of any previous prepayments.

(3) Payments to mortgagees under paragraph (2) of this subsection shall be advanced out of the fund for the account of the mortgagor. Such advances shall be repaid to the fund out of the first available collections received from the mortgagor, with interest thereon at the rate fixed in the insured mortgage, and shall be added to subsequent installments.



(g) **Insurance contract as incontestable.**—Any contract of insurance executed by the Secretary under this section shall be conclusive evidence of the eligibility of the mortgage for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of any holder thereof from the date of the execution of such contract, except for fraud or misrepresentation of which such holder has actual knowledge.

(h) **Release of mortgagor.**—The Secretary may, at any time, for good cause shown and under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instruments secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage.

(i) **Assignment of mortgage.**—The holder of any mortgage insured under sections 1001-1005d of this title may, upon notice to the Secretary, assign such mortgage together with the accompanying note and contract of insurance and the assignee thereof shall thereupon become entitled to all the benefits of such contract of insurance: *Provided*, That no such assignment shall be binding upon the Secretary until notice thereof has been given the Secretary and the Secretary has acknowledged receipt of such notice. (Aug. 14, 1946, ch. 946, § 5, 60 Stat. 1072.)

**§ 1005c. Payment of insurance upon default; issuance of notes; purchase of notes by Treasury; assignment of mortgage.**—(a) In any case in which the mortgagor under a mortgage insured under section 1005b of this title is in default for more than twelve months, the mortgagee shall be entitled to receive the benefit of the insurance as provided in this section, upon assignment to the Secretary of (1) all the mortgagee's rights and interests arising under the mortgage so in default; (2) all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction; (3) all policies of title or other insurance and all surety bonds and other guaranties and any and all claims thereunder relating to the mortgage or the mortgaged property; (4) any balance of the mortgage loan not advanced to the mortgagor; and (5) any cash or property held by the mortgagee, or to which he is entitled, as deposit made for the account of the mortgagor and which has not been applied in reduction of the principal of the mortgage indebtedness; and upon transfer to the Secretary of such originals or copies of records, documents, books, papers and accounts relating to the mortgage transaction, as the Secretary prescribes. Upon such assignment and transfer, the Secretary shall pay to the mortgagee, in cash, an amount equal to the value of the mortgage and the note and mortgage shall thereupon become a part of the fund. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Secretary, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of default, the amount of all unpaid interest and the amount of all payments which have been made by the mortgagee for taxes, special assessments, water rates, and other payments in discharge of liens which are prior to the mortgage, and insurance on the property mortgaged, and by deducting from such total amount any amount received on account of the mortgage indebtedness after such default.



(b) If there should not be sufficient cash in the fund to enable the Secretary to make payments to mortgagees as provided in subsection (a) of this section, the Secretary may make and issue notes to the Secretary of the Treasury to obtain funds to make such payments. Such notes shall be signed by the Secretary or by his duly authorized representatives and shall be negotiable. Such notes shall bear interest, payable semiannually, at a rate equal to the average rate of interest, computed to the end of the calendar month next preceding the date of issue, borne by all interest bearing obligations of the United States then forming a part of the public debt, and shall have such maturities as the Secretary may determine with the approval of the Secretary of the Treasury.

(c) The Secretary of the Treasury is authorized to purchase any notes issued by the Secretary pursuant to this section and any renewals thereof and for such purchases may use as a public debt transaction the proceeds from the sale of any securities issued under sections 745, 747, 752–754b, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774 (2) and 801 of Title 31, and the purposes for which such securities may be issued under said sections, are extended to include any such purchases. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

(d) In any case in which the mortgagor violates any covenant or condition of his mortgage, the Secretary may require the mortgagee to assign such mortgage, together with the incidents thereto, upon payment of the value of the mortgage determined in accordance with this section. (Aug. 14, 1946, ch. 964, § 5, 60 Stat. 1072.)

**§ 1005d. Procedure with respect to mortgages in default; disposition of realized amounts.**—(a) Upon accepting the assignment of any insured mortgage, the Secretary shall ascertain whether or not the mortgagor (which term as used in this section shall include the mortgagor or his heirs or assigns) desires to remain in possession of the mortgaged property. If the mortgagor does not desire to remain in possession of the mortgaged property or if the Secretary is unable to make the findings prescribed by the next sentence, the Secretary may proceed to foreclose the mortgage. If the mortgagor desires to remain in possession of the mortgaged property and if the Secretary finds that the mortgagor (1) has made reasonable efforts to meet all defaulted payments and to comply with the other covenants and conditions of his mortgage and (2) will probably be able to meet such defaulted payments within five years after the maturity date or dates of the defaulted payments, the Secretary may enter into an agreement with the mortgagor providing for the payment of such defaulted payments together with interest thereon, at such times not later than five years after the maturity date or dates as the Secretary may deem to be within the probable future means of the mortgagor. Should any mortgagor with whom the Secretary has entered into such agreement thereafter fail to meet any payments, the Secretary may proceed to foreclose the mortgage.

(b) Amounts realized under section 1025 of this title on account of property which was subject to an insured mortgage shall be deposited in the fund. Amounts payable by the Secretary under section 1024(a) of this title as taxes, with respect to such property, shall be paid out of the fund. (Aug. 14, 1946, ch. 964, § 5, 60 Stat. 1072.)



**§ 1006. Same; appropriation**

Section omitted from Code by Act Aug. 14, 1946, ch. 964, § 4, 60 Stat. 1071. Provisions of former section now covered by section 1005 of this title.

**SUBCHAPTER II—PRODUCTION AND SUBSISTENCE LOANS**

Act Aug. 14, 1946, ch. 964, § 4, 60 Stat. 1071 amended subchapter heading to read as now set out.

**§ 1007. Eligible borrowers; terms.**—Out of the funds made available under section 1009 of this title, the Secretary may make loans to farmers and stockmen who are citizens of the United States for the purchase of livestock, seed, feed, fertilizer, farm equipment and supplies, other farm needs, the refinancing of indebtedness and family subsistence: *Provided*, That no loan shall be made under this section for the purchase or leasing of land or for the carrying on of any land-purchase or land-leasing program: *Provided further*, That, under this section, (1) the initial loan to any one borrower shall not exceed \$3,500 and no further loan may be made by the Secretary under sections 1007, 1008, and 1009 of this title to a borrower so long as the total amount outstanding to that borrower, including interest and taxes or other liens and obligations which have accrued and are properly chargeable to the account of the borrower, exceeds \$5,000; (2) the term of any such loan, including renewals and extensions, shall not exceed five years from the date the original loan was made; and (3) no person who has failed to liquidate his indebtedness under this section for five consecutive years shall be eligible for further loans hereunder until he has paid such indebtedness in full, except that indebtedness to the Farm Security Administration or the Emergency Crop and Feed Loan Offices heretofore created shall not be included until five years from August 14, 1946, in determining the amounts of loans, terms of loans, and five-year period for eligibility set forth in this section. (As amended Aug. 14, 1946, ch. 964, § 4, 60 Stat. 1071.)

Act Aug. 14, 1946, cited to text amended section generally to also allow loans for seed and feed, to prohibit loans for the purchase or lease of land, and to limit amount of loans.

**§ 1007a. Conditions and penalties attaching to loans.**—Hereafter rural rehabilitation loans shall be subject to the conditions and penalties prescribed by sections 1020k and 1020n of Title 12, except that the functions conferred upon the Governor of the Farm Credit Administration by said sections are hereby conferred, for the purposes hereof upon the Secretary of Agriculture. (July 1, 1941, ch. 267, § 1, 55 Stat. 440.)

Section is not a part of "The Bankhead-Jones Farm Tenant Act" which constitutes this chapter.

**§ 1008. Debt adjustment.**—The Secretary may assist in the voluntary adjustment of indebtedness between farm debtors and their creditors and may co-operate with State, Territorial, and local agencies and committees engaged in such debt adjustment. Services furnished by the Secretary under this section may be without charge to the debtor or creditor. (As amended Aug. 14, 1946, ch. 964, § 4, 60 Stat. 1071.)

Act Aug. 14, 1946, cited to text, amended section by omitting sentence relating to completion of farm debt undertaking not completed on July 22, 1937.



**§ 1009. Appropriations.**—There is authorized to be appropriated to the Secretary such sums as the Congress may from time to time determine to be necessary to enable the Secretary to carry out the purposes of sections 1007, 1008, and 1009 of this title. (As amended Aug. 14, 1946, ch. 964, § 4, 60 Stat. 1071.)

Act Aug. 14, 1946, cited to text, amended section to provide for the necessary appropriations to carry out provisions of sections 1007, 1008, and 1009 of this title.

### SUBCHAPTER III—RETIREMENT OF SUBMARGINAL LAND

#### **§ 1010. Retirement of submarginal lands**

**Effect of amendments to sections 1015–1029 of this title.**—Section 3 of act Aug. 14, 1946, ch. 964, 60 Stat. 1064 provided in part that sections 1015–1029 of this title were amended by act Aug. 14, 1946, § 3, ch. 964, 60 Stat. 1064, except insofar as they affected sections 1010–1013 of this title.

#### **§ 1011. Same; powers of Secretary of Agriculture**

\* \* \* \* \*

(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of sections 1010–1013 of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes: *Provided, however,* That an exchange may be made with private owners and with subdivisions or agencies of State governments in any case where the Secretary of Agriculture finds that such exchange would not conflict with the purposes of this chapter, and that the value of the property received in exchange is substantially equal to that of the property conveyed. The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies. (As amended July 28, 1942, ch. 531, 56 Stat. 725.)

\* \* \* \* \*

Subsec. (c) amended by Act July 28, 1942, cited to text, which added proviso thereto.

**Adjustment of Sebastian Martin grant boundary disputes.**—Act Aug. 11, 1945, ch. 366, 59 Stat. 532, provided: “That either the War Food Administrator or the Secretary of Agriculture be, and either of them is hereby, authorized to adjust claims to any portions of the so-called Sebastian Martin grant lands, situated between State Highway Numbered 64 and the western boundary of said grant, and between the fence constructed by the Government on the west side of Ojo Sarco Creek and the eastern boundary of said grant, in the State of New Mexico, which are administered under title III, of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522, 525) [7 U. S. C. §§ 1010–1012].

“SEC. 2. That for the purpose of carrying out the provisions of this act [Act Aug. 11, 1945, ch. 366, 59 Stat. 532] if the War Food Administrator or the Secretary of Agriculture shall find, within twenty years after the acquisition by the United States of the lands described in section 1, that the title to any portion or portions of the aforesaid lands is in dispute, and that the person or persons claiming the same or their predecessors in the occupancy thereof and under whom the right thereto is claimed, have been in open, actual visible, exclusive, hostile, continuous, and adverse possession thereof, for a period of ten years previous to the date on which the United States acquired such land or interest, irrespective of whether color of title during such possession can be established or not, either the War Food Administrator or the Secretary of Agriculture is hereby authorized to execute and deliver, on behalf of and in the name of the United States, to the



person or persons so occupying said lands, whom either of them finds entitled thereto under the provisions of this act, a quitclaim deed to such land or interest.

"SEC. 3. Either the War Food Administrator or the Secretary of Agriculture is further authorized, upon a finding by either of them, that any lands situated within the areas described in section 1, which are not claimed by any person or persons as aforesaid, or right to which cannot be established as aforesaid, are not suitable for use and administration in connection with the land-conservation and land-utilization program administered under title III of the Bankhead-Jones Farm Tenant Act [7 U. S. C. §§ 1010-1012], to sell such lands so situated, under such terms and conditions as either of them deems will best accomplish the purposes of title III of the Bankhead-Jones Farm Tenant Act [7 U. S. C. A. §§ 1010-1012] : *Provided however*, That the consideration to be paid for such lands shall not be less than the value as appraised by authorized representatives of the United States."

**Transfer of functions.**—Functions of Secretary of Agriculture with respect to uses of Mineral deposits in lands under subsec. (c) of this section transferred to Secretary of the Interior, see note under section 1018 of this title.

### § 1013. Expired

#### SUBCHAPTER IV—GENERAL PROVISIONS

### § 1014. Farmers' Home Corporation

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

**§ 1015. Powers of Secretary of Agriculture.**—For the purposes of this chapter, the Secretary shall have the power to—

(a) Appoint (without regard to the civil-service laws or sections 661-663, 664-673 and 674 of Title 5) such experts as may be necessary in carrying out the provisions of this chapter: *Provided*, That the Administrator of the Farmers' Home Administration shall be appointed by the President, by and with the advice and consent of the Senate. The salary of none of such experts or the Administrator shall exceed \$10,000 per annum. The Secretary shall also have the power to appoint, subject to the provisions of the civil-service laws, such other officers and employees as may be necessary and fix their compensation in accordance with sections 661-663, 664-673 and 674 of Title 5, except that for a period of not to exceed nine months from August 14, 1946, the Secretary may make appointments and continue employees of the Farm Security Administration and the non-civil-service employees of the Emergency Crop and Feed Loan Division, utilized in the performance of the functions of the Farmers' Home Administration under this chapter, without regard to the civil-service laws or regulations.

(b) The Secretary may administer his powers and duties under this chapter through such area finance, State, and local offices in the United States and in the Territories of Alaska and Hawaii and in Puerto Rico as he determines to be necessary: *Provided*, That existing regional offices shall be liquidated on or before June 30, 1947. The Secretary may authorize one office to serve the area composed of two or more States (Territories or Puerto Rico) if he determines that the volume of business in the area is not sufficient to justify separate State offices.

(c) Accept and utilize voluntary and uncompensated services, and with the consent of the agency concerned, utilize the officers, employees, equipment, and information of any agency of the Federal Government, or of any State, Territory, or political subdivision.

(d) Within the limits of appropriations made therefor, make necessary expenditures for personal services and rent at the seat of govern-



ment and elsewhere; contract stenographic reporting services; purchase and exchange of supplies and equipment, law books, books of reference, directories, periodicals, newspapers, and press clippings; travel and subsistence expenses, including the expense of attendance at meetings and conferences; purchase, operation, and maintenance, at the seat of government and elsewhere, of motor-propelled passenger-carrying and other vehicles; printing and binding; and for such other facilities and services as he may from time to time find necessary for the proper administration of this chapter.

(e) Make contracts for services and purchases of supplies without regard to the provisions of section 5 of Title 41 when the aggregate amount involved is less than \$300.

(f) Acquire land and interests therein without regard to section 255 of Title 40. This subsection shall not apply with respect to the acquisition of land or interests in land under sections 1010–1012 of this title.

(g) Compromise or adjust claims and adjust and modify the terms of mortgages, leases, contracts and agreements entered into or administered pursuant to this chapter as circumstances may require, in the following manner:

(1) Compromise of claims of \$10,000 or more must be effected by reference to the Secretary of the Treasury or to the Attorney General, pursuant to the provisions of section 194 of title 31;

(2) Claims of less than \$10,000 may be compromised or may be adjusted or reduced on the basis of a reasonable determination by the Secretary of the debtor's ability to pay and the value of the security and with or without the payment of any consideration at the time of such adjustment; releases from personal liability may also be made with or without the payment of any consideration at the time of adjustment of—

(A) Borrowers who have transferred their farms to other approved applicants under agreements assuming the outstanding indebtedness to the Secretary under sections 1014–1029 of this title; and

(B) Borrowers who have transferred their farms to other approved applicants under agreements assuming that portion of their outstanding indebtedness to the Secretary which is equal to the earning capacity value of the farm at the time of the transfer, and borrowers whose farms have been acquired by the Secretary, in cases where the county committees certify and the Secretary determines that the borrowers have cooperated in good faith with the Secretary, have farmed in a workmanlike manner, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to their loans, to the best of their abilities;

(C) No compromise or adjustment shall be made upon terms more favorable than recommended by the appropriate County Committee established pursuant to section 1016 of this title;

(3) Any claim of \$100 or less, which has been due and payable for three years or more, and where the debtor has no assets from which the claim could be collected or is deceased and has left no estate, or has been absent from his last known address for a period of at least two years and his whereabouts cannot be ascertained without undue expense, may be charged off or released by the Secretary upon a report and favorable recommendation of the employee of the Administration having charge of the claim: *Provided*, That claims of \$10 or less may



be canceled and released whenever it appears to the Secretary that further collection efforts would be ineffectual or likely to prove uneconomical; and

(4) At the end of each fiscal year the Secretary shall report to Congress the names of all persons against whom claims in excess of \$1,000 have been compromised, the address of such person, the nature of the claim, the amount of the compromise, and the reason therefor.

(h) Collect all claims and obligations arising or administered under this chapter, or under any mortgage, lease, contract, or agreement entered into or administered pursuant to this chapter and, if in his judgment necessary and advisable, pursue the same to final collection in any court having jurisdiction. All legal work arising out of such claims and obligations, including, but not limited to, the prosecution and defense of all litigation, is authorized to be performed, as determined by the Solicitor of the Department of Agriculture, through the Department of Justice, by attorneys of the Office of the Solicitor of the Department of Agriculture, or by local counsel approved by the Solicitor of the Department of Agriculture, whose fees, upon approval by the Solicitor, shall be paid by the Secretary; and

(i) Make such rules and regulations and such delegations of authority as he deems necessary to carry out this chapter. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act Aug. 14, 1946, cited to text, amended section generally to provide for the appointment of an Administrator of the Farmers' Home Administration and such experts as are necessary, to provide for the administration of this chapter through area finance, State, and local offices, and to provide more fully for the settlement of claims.

**Effect of amendments to sections 1015-1029 of this title.**—Section 3 of act Aug. 14, 1946, cited to text, provided in part that sections 1015-1029 of this title were amended by act Aug. 14, 1946, § 3, cited to text, except insofar as they affected sections 1010-1013 of this title.

**§ 1016. County Committee; appointments; compensation; meetings; duties.**—(a) The Secretary is authorized and directed to appoint in each county in which activities are carried on under this chapter a county committee composed of three individuals residing in the county, at least two of whom shall be farmers residing on a farm and deriving the principal part of their income from farming. In making the first appointments pursuant to this chapter, the Secretary shall designate one member of each committee to serve for a period of one year, one member to serve for a period of two years, and one member to serve for a period of three years. All subsequent appointments shall be for a three-year period. The Secretary may appoint an alternate for each member of each committee who shall have the same qualifications and be appointed for the same term as such member. The members of each committee shall elect one member to serve as chairman. Members of the committees and their alternates shall be removable for cause by the Secretary.

(b) Each member of the committee shall be allowed compensation at the rate of not to exceed \$5 per day while engaged in the performance of duties under this chapter. The number of days per month that each member may be paid shall be determined and approved by the Secretary. In addition, they shall be allowed such amounts as the Secretary may prescribe for necessary traveling and subsistence expenses. The compensation and expenses of the committee members and their alternates shall be paid by the Secretary.



(c) The committee shall meet on the call of the committee chairman, or on the call of such other person as the Secretary may designate. Two members of the committee shall constitute a quorum. The Secretary shall prescribe rules governing the procedure of the committees, furnish forms and equipment necessary for the performance of their duties, and authorize and provide for the compensation of such clerical assistants as he deems may be required by any committee.

(d) Committees established under this chapter shall, in addition to the duties specifically imposed under this chapter, perform such other duties under this chapter as the Secretary may require of them, or as may be delegated to them by the Secretary. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1064.)

Act Aug. 14, 1946, cited to text, amended section generally to provide for the appointment of three individuals residing in the county, two of whom must be bona fide farmers, as a county committee, and to provide for their terms of office, compensation, and election of a chairman.

**§ 1017. Resettlement projects—(a) Liquidation.**—The Secretary shall do all things necessary to complete the liquidation as expeditiously as possible of all resettlement projects and rural rehabilitation projects for resettlement purposes including, but not limited to, defense relocation corporations, land-leasing and land-purchasing associations, all properties retransferred from the National Housing Agency by section 2 (a) (3) of the Farmers' Home Administration Act of 1946, and all other corporations or associations organized for similar purposes and financed, in whole or in part, with funds made available to the Secretary, the War Food Administrator, the Farm Security Administration, the Resettlement Administration, or the Federal Emergency Relief Administration.

**(b) Determination of lands suitable for farm management units; report to Congress; sale of lands.**—Within six months after August 14, 1946, the Secretary shall determine which of the lands comprising the projects described in subsection (a) of this section are suitable for use, either with or without subdivision, as farms of sufficient size to constitute efficient farm management units and to enable diligent farm families to carry on farming of a type which the Secretary deems can be carried on successfully in the localities in which the lands are situated. The Secretary shall file with the Congress, promptly after making such determination, a complete report of the determination, with full information as to the location of all lands comprising such projects, and of the facts taken into account by the Secretary in making the determination. All lands which the Secretary determines are suitable for farming and all personal property incident to or comprising such projects and usable in farming operations shall, wherever practicable, be sold by the Secretary as expeditiously as possible to individuals eligible to receive the benefits of sections 1001–1006d of this title and in a manner consistent with the provisions of said sections. The Secretary, if appropriations are made therefor by Congress, may make loans to such purchasers to enable them to improve such lands or repair such property, which loans shall be made only after certification of the county committees and otherwise in a manner consistent with the provisions of sections 1001–1005d of this title: *Provided*, That all sales of project lands in economic units shall



be in accordance with the terms, conditions, and limitations of sections 436-439 of Title 40.

**(c) Disposition of public facilities; conditions.**—Public facilities, such as electric light, water and sewage systems, buildings and lands for schools and churches, and land for public roads, streets, and alleys, may be granted or dedicated to public or semipublic institutions or granted to public or private organizations where (1) such facilities or lands cannot be sold at reasonable prices, (2) similar facilities or land are not available at reasonable rates and terms to the inhabitants of the particular area and (3) the recipients of such facilities will agree to operate and maintain them and shall relieve the Government of all responsibility in connection therewith. In making grants or dedications of such facilities, the Secretary shall give due consideration to all applications for such grants or dedications and shall award the facilities to the organization or institution found by the Secretary to be most capable of maintaining and operating such properties. In all sales, grants, or dedications of such facilities, the Secretary shall take reasonable precautions to provide that they will not be used in competition with companies or organizations in the area furnishing adequate services to the inhabitants upon reasonable rates and terms.

**(d) Disposition of surplus property.**—Real and personal property comprising such projects which is not determined by the Secretary to be suitable for sale as family-size farms as provided in subsection (b) of this section, or which is not granted or dedicated as provided in subsection (c) of this section, shall, within eighteen months after August 14, 1946, either be transferred by the Secretary to appropriate agencies of the United States for disposition as surplus property of the United States or be sold by the Secretary at public or private sale to any individual or corporation at the best price obtainable, after public notice, for cash or on secured credit, without regard to the laws governing the disposition of surplus real or personal property of the United States: *Provided, however,* That in the case of all sales on credit under this subsection the Secretary shall obtain an initial cash payment of at least 20 per centum of the sales price and the remainder shall be paid in equal annual installments within a term not in excess of five years: *Provided further,* That whenever it is found by the Secretary that it is not practicable to dispose of lands reserved for sale pursuant to subsection (b) of this section under the provisions of sections 1001-1005d of this title, such lands may be sold by the Secretary under the authority of this subsection.

**(e) Sale of properties of defense relocation corporations, etc.**—The Secretary shall cause the defense relocation corporations, land-leasing and land-purchasing associations, and other similar corporations or associations to sell properties to which they hold title in accordance with the limitations and procedures prescribed in this section.

**(f) Application to labor supply centers, labor homes, etc.**—The provisions of this section shall apply to all labor supply centers, labor homes, labor camps, and facilities upon their transfer to the Secretary as provided in section 1002 (d) of this title. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

**References in text.**—Words “section 2 (a) (3) of the Farmers’ Home Administration act of 1946” referred to in subsec. (a) of this section are set out as a note under section 1001 of this title.



**Amendments.**—Act Aug. 14, 1946, cited to text, amended section generally by dividing it into subsections, providing for the liquidation of all resettlement projects, and by providing for the sale of all land suitable to farm management units.

**§ 1018. Special conditions and limitations on loans.**—The Secretary, under this chapter—

(a) Shall make no loan—

(1) to any corporation or cooperative association;

(2) unless the appropriate county committee certifies in writing that the applicant is eligible to obtain such loan and that, in the opinion of such committee, he will honestly endeavor to carry out undertakings and obligations required of him under a loan which may be made by the Secretary;

(3) to any person, unless the applicant represents in writing, and it is administratively determined by the Secretary, after a certification to such effect by the appropriate county committee, that credit sufficient in amount to finance the actual needs of the applicant is not available to him at the rates (but not exceeding the rate of 5 per centum per annum) and terms prevailing in the community in or near which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source;

(4) for the carrying on of any land-purchase or land-leasing program, or for the purpose of carrying on any operations in collective farming, or cooperative farming, or for the organization, promotion, or management of homestead associations, land-leasing associations, land-purchasing associations, or cooperative land-purchasing for colonies of rehabilitants and tenant purchasers, except for the liquidation as expeditiously as possible of any such projects initiated prior to August 14, 1946.

(b) Shall, except as otherwise specifically provided by the Congress, make all loans at the interest rate of 5 per centum per annum evidenced by notes requiring full liability of the maker and upon such security and such other terms and conditions as the Secretary may prescribe, including such provisions for the supervision of the borrower as the Secretary shall deem necessary to protect his interests.

(c) Shall, in the case of every loan, require in the loan and security instruments that if at any time it shall appear to the Secretary that the borrower may be able to obtain a loan from a production credit association, Federal land bank, or other responsible cooperative or private credit source at rates (but not exceeding the rate of 5 per centum per annum) and terms for loans for similar periods of time and purposes prevailing in the area in which the loan is to be made, the borrower shall, upon request of the Secretary, apply for and accept such loan in sufficient amount to repay the Secretary and to pay for any stock necessary to be purchased in the cooperative lending agency in connection with the loan. (As amended Aug. 14, 1946, ch. 964. § 3, 60 Stat. 1062.)

Act Aug. 14, 1946, cited to text, amended section generally to provide conditions under which loans may be made and to impose certain limitations on said loans.

**Transfer of functions.**—The functions of the Secretary of Agriculture with respect to the uses of mineral deposits in lands under this section and section 1011 (c) of this title were transferred to the Secretary of the Interior by 1946 Reorg.



Plan No. 3, § 402, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1099, set out in note under section 133y-16 of title 5. For provisions concerning exercise of those functions, see text of said Reorg. Plan.

**§ 1019. Transfer of lands to Secretary.**—The President may at any time in his discretion transfer to the Secretary any right, interest or title held by the United States in any lands acquired in the program of national defense and no longer needed therefor, which the President shall find suitable for the purposes of this chapter, and the Secretary shall dispose of such lands in the manner and subject to the terms and conditions of this chapter. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act Aug. 14, 1946, cited to text, amended section to limit the transfer of lands to lands acquired under the national defense program.

**§ 1020. Transactions with private corporations.**—Nothing in this chapter shall authorize the making of any loan or the sale or other disposition of real property or any interest therein, other than interests in coal, oil, gas, or other minerals, to any private corporation, except in furtherance of liquidation pursuant to section 1017 of this title, or the leasing of mineral interests to corporations or individuals from time to time in accordance with policies established by the Secretary of Agriculture. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act Aug. 14, 1946, cited to text, amended section by adding exceptions to permit transactions in furtherance of liquidation or the leasing of mineral interests.

**§ 1021. Surveys and investigations.**—The Secretary is authorized to conduct surveys and investigations relating to the conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this chapter, and may, when funds are specifically appropriated therefor by the Congress, publish and disseminate information pertinent to the various aspects of its activities. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act Aug. 14, 1946, cited to text, amended section by omitting “and research” following “investigations”, and providing for the publication of information only when funds have been specifically provided for it.

**§ 1022. Variable payments on obligations.**—The Secretary shall require annual payments in installments sufficient to pay any obligations or indebtedness to him under this chapter within the term of such obligation or indebtedness. The Secretary shall provide a method whereby a borrower may pay any obligation or indebtedness by a system of variable payments under which a surplus above the required installment for any year may be paid in periods of above-normal income and employed to reduce payments below the required annual payment in subsequent periods of subnormal income. Any advance payments to the Secretary shall not affect the obligation to pay the required annual installment during periods of normal or above-normal income. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act Aug. 14, 1946, cited to text, amended section to provide for annual payments amortized over the term of the obligation, and to authorize the Secretary to set up a system of variable payments.

**§ 1023. Set-off.**—No set-off shall be made against any payment to be made by the Secretary to any person under the provisions of this



chapter, by reason of any indebtedness of such person to the United States, and no debt due to the Secretary under the provisions of this chapter shall be set off against any payments owing by the United States, unless the Secretary shall find that such set-off will not adversely affect the objectives of this chapter. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act Aug. 14, 1946, cited to text, reenacted section in toto.

**§ 1024. Taxation.**—(a) All property which is being utilized to carry out the purposes of sections 1001–1005d of this title (other than property used solely for administrative purposes) shall, notwithstanding that legal title to such property remains in the Secretary, be subject to taxation by the State, Territory, district, dependency, and political subdivision concerned, in the same manner and to the same extent as other similar property is taxed.

(b) All property to which subsection (a) of this section is inapplicable which is held by the Secretary pursuant to this chapter shall be exempt from all taxation now or after August 14, 1946 imposed by the United States or any State, Territory, district, dependency, or political subdivision, but the Secretary shall make payments in respect of any such property in lieu of taxes. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Subsec. (a) amended by Act Aug. 14, 1946, cited to text, which omitted references to “sections 1007 to 1009 of this title” following “sections 1001–1005d” and to “Corporation”.

Subsec. (b) amended by Act Aug. 14, 1946, cited to text, which omitted reference to “Corporation” following “secretary”.

**§ 1025. Purchase at foreclosure sale.**—The Secretary is authorized and empowered to bid for and purchase at any foreclosure or other sale, or otherwise to acquire property pledged or mortgaged or conveyed to secure any loan or other indebtedness owing to or acquired by the Secretary under this chapter; to accept title to any property so purchased or acquired; to operate for a period not in excess of one year from the date of acquisition, or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of section 1017 of this title. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act Aug. 14, 1946, cited to text, amended section by inserting clause “to accept title to any property so purchased or acquired.”

**§ 1026. Penalties.**—(a) Whoever makes any material representation, knowing it to be false, for the purpose of influencing in any way the action of the Secretary upon any application, discount, purchase, or repurchase agreement, contract of sale, lease or loan, or any change or extension of any of the same by renewal, compromise, adjustment, deferment of action or otherwise, or the acceptance, release or substitution or security therefor, shall, upon conviction thereof, be punished by a fine of not more than \$2,000 or by imprisonment for not more than two years, or both.

(b) Whoever, being employed in any capacity by the Secretary, (1) embezzles, abstracts, purloins or willfully misapplies any moneys, funds, securities or other things of value, whether belonging to the



Secretary or pledged or otherwise entrusted to him; or (2) with intent to defraud the Secretary, or any body politic or other corporation, or any individual, or to deceive any officer, auditor or examiner of the Secretary, makes any false entry in any book, report or statement of, or to, the Secretary, or draws any order, or issues, puts forth or assigns any note or other obligation or draft, mortgage, judgment or decree thereof; or (3) with intent to defraud the Secretary, participates or shares in or receives directly or indirectly any money, profit, property or benefits through any transaction, loan, commission, contract or any other act of the Secretary shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than five years, or both.

(c) Whoever willfully shall conceal, remove, dispose of, or convert to his own use or that of another, any property mortgaged or pledged to, or held by, the Secretary as security for any obligation, shall, upon conviction thereof, be punished by a fine of not more than \$2,000 or by imprisonment for not more than two years, or both.

(d) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, upon conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act Aug. 14, 1946, cited to text, amended section by decreasing the fines from \$5,000 to \$2,000, and from \$10,000 to \$5,000, and by omitting former provisions of subsec. (d) and renumbering former subsec. (e) to be (d).

**§ 1027. Fees and commissions.**—No officer, attorney, or other employee of the Secretary shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business under this chapter other than such salary, fee, or other compensation as he may receive as such officer, attorney, or employee. No member of a county committee established under section 1016 of this title shall knowingly make or join in making any certification prohibited by section 1002 (c) of this title. Any person violating any provision of this section shall, upon conviction thereof, be punished by a fine of not more than \$2,000 or imprisonment for not more than two years, or both. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act Aug. 14, 1946, cited to text, amended section by increasing the fine from \$1,000 to \$2,000 and the prison term from 1 year to 2 years.

**§ 1028. Application to Territories.**—The provisions of this chapter shall extend to the Territories of Alaska and Hawaii and to Puerto Rico. In the case of Alaska and Puerto Rico, the term "county" as used in this chapter shall be deemed synonymous with Territory, or any subdivision thereof as may be designated by the Secretary, and payments under section 1012 of this title shall be made to the Governor of the Territory or to the fiscal agent of such subdivision. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act. Aug. 14, 1946, cited to text, reenacted section in toto.

**§ 1029. Separability.**—If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of this chapter, and the application of such provision to



other persons or circumstances, shall not be affected thereby. (As amended Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1062.)

Act. Aug. 14, 1946, cited to text, reenacted section in toto.

**§ 1030. Consolidation of agricultural credit and service offices.**—The Secretary of Agriculture and the Governor of the Farm Credit Administration are directed, wherever practicable, to make suitable arrangements whereby all field offices under their supervision or direction extending agricultural credit or furnishing agricultural services to farmers to utilize the same or adjacent offices to the end that eligible farmers in each locality will be enabled to obtain their agricultural credit and services at one central point. (Aug. 14, 1946, ch. 964, § 7, 60 Stat. 1062.)

**§ 1031. Conveyance of mineral rights with land.**—Any conveyance of real estate by the Government or any Government agency under this chapter shall include all mineral rights. (Aug. 14, 1946, ch. 964, § 9, 60 Stat. 1062.)

#### SUBCHAPTER V—GENERAL PROVISIONS

**§ 1183. Termination of chapter.**—The powers vested in the Secretary under this chapter shall terminate on December 31, 1947, except that the Secretary shall have power to make payments under subchapter III of this chapter under programs applicable to the crop year 1947 and previous crop years. (As amended Oct. 15, 1940, ch. 887, § 1, 54 Stat. 1178; Dec. 26, 1941, ch. 638, § 1, 55 Stat. 872; June 20, 1944, ch. 266, § 1, 58 Stat. 283; July 27, 1946, ch. 685, § 1, 60 Stat. 706.)

Act July 27, 1946, cited to text, amended section by extending termination date from Dec. 31, 1946, to Dec. 31, 1947.

Act June 20, 1944, cited to text, amended section by extending termination date from Dec. 31, 1944 to Dec. 31, 1946 and the "crop year 1944" to the "crop year 1946."

Subject matter of first part of this section which formerly read "No tax shall be imposed on the manufacture, use, or importation of sugar after June 30, 1941," is now covered by section 3508 of title 26, Internal Revenue Code.

### Chapter 35—AGRICULTURAL ADJUSTMENT ACT OF 1938

#### GENERAL PROVISIONS

##### § 1282. Declaration of policy

**Transfer of functions.**—Functions of the Agricultural Adjustment Administration were transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. III, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 610 of this title.

Soil Conservation Service and Agricultural Adjustment Administration consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to Title 50, War.

Functions of Soil Conservation Service in Department of Agriculture with respect to soil and moisture conservation operations conducted on lands under jurisdiction of Department of Interior were transferred to Department of Interior, to be administered under direction and supervision of Secretary of Interior through such agency or agencies in Department of Interior as Secretary shall designate, by Reorg. Plan No. IV, § 6, eff. June 30, 1940, set out in note under section 133t of title 5. See, also, sections 13–15 of said plan for provisions relating to transfer of functions of department heads, records, property, personnel, and funds.



SUBCHAPTER II—LOANS, PARITY PAYMENTS, CONSUMER SAFEGUARDS,  
AND MARKETING QUOTAS

## A. DEFINITION, LOANS, PARITY PAYMENTS, AND CONSUMER SAFEGUARDS

**§ 1302. Loans by Commodity Credit Corporation on agricultural commodities.**

**Transfer of functions.**—The administration of the program of the Commodity Credit Corporation was transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 713 of Title 15.

**Cross references.**—Delegation of regulatory functions of Secretary of Agriculture, see section, 516a et seq. of Title 5, Executive Department and Government Officers and Employees.

Peanut crop loans, see section 1330 (10) and 1340 (10) of this title.

## B. MARKETING QUOTAS

*Part I.—Marketing Quotas—Tobacco*

**§ 1312. National marketing quota—Proclamation of quota.**—(a) Whenever the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than the following March 1, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

(b) **Referendum on quotas.**—Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the Secretary shall, prior to the 1st day of January, proclaim the result of the referendum and such quota shall not be effective thereafter. In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and, beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so



as to cause material revision of such allotments before the end of such period. If more than one-third of the farmers voting on this question oppose marketing quotas for the three-year period, such results shall be proclaimed by the Secretary and quotas for a longer period than one year shall not be in effect, but such result shall in no wise affect or limit the proclamation and submission to a referendum as otherwise provided in this section, of a national marketing quota for any marketing year thereafter. (As amended Aug. 7, 1939, ch. 562, 563, 63 Stat. 1261; June 13, 1940, ch. 360, §§ 2, 3, 54 Stat. 392; Nov. 22, 1940, ch. 914, §§ 2, 5, 54 Stat. 1209, 1210; Feb. 28, 1942, ch. 123, 56 Stat. 121.).

Subsec. (a) was amended by acts Aug. 7, 1939, June 13, 1940, and Feb. 28, 1942, all cited to text. Act Aug. 7, 1939, amended first sentence and added last sentence. Act June 13, 1940, substituted "20" for "10" in last sentence and added last clause. Act Feb. 28, 1942, substituted "the following March 1" for "December 31" in the last sentence thereof.

Subsec. (b), formerly (c) as amended by act June 13, 1940, cited to text, was redesignated "(b)" and amended by act Nov. 22, 1940, § 2, cited to text, which also struck out former subsec. (b). Section 5 of said act Nov. 22, 1940, also amended this section "by striking out subsec. (b) thereof", apparently ignoring the changes effected by section 2 of the act.

Former subsec. (c) was redesignated "(b)" and amended by act Nov. 22, 1940, § 2, cited to text.

Former subsecs. (d)–(f) were struck out by act Nov. 22, 1940, § 2, cited to text.

Delegation of regulatory functions of Secretary of Agriculture, see section 516a et seq. of Title 5. Executive Departments and Government Officers and Employees.

**Quotas for burley and flue-cured tobacco for marketing years 1946–47 and 1947–48.**—Joint Res. July 7, 1943, ch. 195, 57 Stat. 387, as amended by Joint Res. Mar. 31, 1944, ch. 149, 58 Stat. 136; act Feb. 19, 1946, ch. 31, § 1, 60 Stat. 21, provided: "That notwithstanding the provisions of section 312 (a) of the Agricultural Adjustment Act of 1938, as amended, [section 1312 of this title] relating to the finding of the total supply of tobacco, the reserve supply level and the amount of the national marketing quota, and the provisions of section 313 of said act [section 1313 of this title] relating to the apportionment of the national marketing quota for tobacco among the States and farms, national marketing quotas for burley and flue-cured tobacco for the marketing years 1944–45, 1945–46, 1946–47, and 1947–48 shall be proclaimed and the national marketing quota proclaimed by the Secretary and the State and farm acreage allotments established pursuant to the proclaimed national quota for burley tobacco for the 1946–47 marketing year shall be reduced uniformly so as to make available a supply of burley tobacco for such marketing year not less than the reserve supply level: *Provided*, That no allotment of one acre or less shall be reduced by more than 10 per centum. This joint resolution shall not have the effect of modifying or repealing any other provision of said act [sections 1281–1407 of this title, and sections 590h and 590o of title 16]."

**Quotas for fire-cured and dark air-cured tobacco for marketing years 1946–49; loans and price support by Commodity Credit Corporation.**—Joint Res. July 28, 1945, ch. 330, 59 Stat. 506, provided: "That notwithstanding the provisions of section 312 (a) of the Agricultural Adjustment Act of 1938, as amended [this section], relating to the finding of the total supply of tobacco, the reserve supply level, and the amount of the national marketing quota, and the provisions of section 313 of said act [section 1313 of this title] relating to the apportionment of the national marketing quota for tobacco among the States and farms, national marketing quotas for fire-cured and dark air-cured tobacco for the marketing years 1946–1947, 1947–1948, and 1948–1949, shall be proclaimed and the national marketing quota and State and farm acreage allotments shall be the same for the marketing year 1946–1947 as were established for the marketing year 1943–1944, and the farm acreage allotments for the marketing years 1947–1948 and 1948–1949 shall be increased or decreased in the ratio which the national marketing quota for the 1943–1944 marketing year bears to the amount of tobacco which the Secretary determines to be required to make the carry-over at the beginning of the marketing year equal the reserve supply level: *Provided however*, That an additional acreage not in excess of 5 per centum of the total acreage allotted to all farms in each State for the 1943–1944 marketing year shall be allotted each year by the local committees among farms in the State in accordance with regulations prescribed



by the Secretary so as to establish allotments which the committee find will be fair and equitable in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop rotation practices, and an additional acreage equal to not more than 5 per centum of the acreage allotted to all farms for the 1943-1944 marketing years shall be allotted each year to farms on which no tobacco was produced in the last five years in accordance with the provisions of subsection (g) of section 313 [this section] applicable to farms on which no tobacco was produced during the last five years. The foregoing provisions of this section shall not have the effect of modifying or repealing any other provisions of said act [sections 1281-1407 of this title, and sections 590h and 590o of Title 16].

"SEC. 2. Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized and directed, beginning with the 1945 crop, to make available upon any crop of fire-cured, dark air-cured, and Virginia sun-cured tobacco, if producers have not disapproved marketing quotas for such tobacco for the marketing year beginning with the calendar year in which such crop is harvested, loans or other price support at, in the case of fire-cured tobacco, 75 per centum of the loan rate for burley tobacco for the corresponding crop and, in the case of dark air-cured and Virginia sun-cured tobacco, at 66⅔ per centum of such burley tobacco loan rate."

**Effective date.**—The second par. of section 1 of act Feb. 19, 1946, ch. 31, 60 Stat. 21, the first par. of which amended Joint Res. July 7, 1943, set out as a note under this section, provided: "The amendment made by this section shall not apply to flue-cured tobacco for the 1946-47 marketing year."

**Transfer of functions.**—The administration of the program of the Commodity Credit Corporation was transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 713 of title 15.

**§ 1313. Apportionment of national marketing quota—Apportionment among States—**(a) The national marketing quota for tobacco established pursuant to the provisions of section 1312 of this title, less the amount to be allotted under subsection (c) of this section, shall be apportioned by the Secretary among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period. Notwithstanding any other provision of this section and section 1312 of this title, except the provisions in subsection (g) of this section relating to reduction of allotments, for any of the three marketing years, 1941-1942 to 1943-1944, in which a national marketing quota is in effect for burley or flue-cured tobacco, such national marketing quota shall not be reduced below the 1940-1941 national marketing quota by more than 10 per centum and the farm-acreage allotments (other than allotments established in each year under subsection (g) of this section for farms on which no tobacco was produced in the last five years) shall be determined by increasing or decreasing the farm-acreage allotments established in the last preceding year in which marketing quotas were in effect in the same ratio as such national marketing quota is increased or decreased above or below the last preceding national marketing quota: *Provided*, That in the case of flue-cured tobacco no allotment shall be decreased below the 1940 allotment if such allotment was two acres or less, and in the case of burley tobacco no allotment shall be decreased below the 1939 allotment if such allotment was



one-half acre or less, or below the 1940 allotment if such allotment was over one-half acre and not over one acre: *And provided further*, That an additional acreage not in excess of 2 per centum of the total acreage allotted to all farms in each State in 1940 shall be allotted by the local committees, without regard to the ratio aforesaid, among farms in the State in accordance with regulations prescribed by the Secretary so as to establish allotments which the committees find will be fair and equitable in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices: *And provided further*, That the Burley tobacco acreage allotment which would otherwise be established for any farm having a Burley acreage allotment in 1942 shall not be less than one-half acre, and the acreage required for apportionment under this proviso shall be in addition to the National and State acreage allotments.

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**(g) Conversion of State marketing quota into State acreage allotment.**—Notwithstanding any other provision of this section, the Secretary on the basis of average yield per acre of tobacco for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production, may convert the State marketing quota into a State acreage allotment, and allot the same through the local committees among farms on the basis of the factors set forth in subsection (b), using past acreage (harvested and diverted) in lieu of the past marketing of tobacco; and the Secretary on the basis of the national average yield during the same period, similarly adjusted, may also convert into an acreage allotment the amount reserved from the national quota pursuant to the provisions of subsection (c), and on the basis of the factors set forth in subsection (c) and the past tobacco experience of the farm operator, allot the same through the local committees among farms on which no tobacco was produced during the last five years. Except for farms last mentioned or a farm operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced, the farm-acreage allotment shall be increased by the smaller of (1) 20 per centum of such allotment or (2) the percentage by which the normal yield of such allotment (as determined through the local committees in accordance with regulations prescribed by the Secretary) is less than three thousand two hundred pounds, in the case of flue-cured tobacco, and two thousand four hundred pounds in the case of other kinds of tobacco: *Provided*, That the normal yield of the estimated number of acres so added to farm acreage allotments in any State shall be considered as a part of the State marketing quota in applying the proviso in subsection (a). The actual production of the acreage allotment established for a farm pursuant to this subsection shall be the amount of the farm marketing quota. If any amount of tobacco shall be marketed as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms shall be reduced by that percentage which such amount was of the respective farm marketing quota, except that such reduction for any such farm shall not be made if the Secretary through the local committees finds that no person connected with such farm



caused, aided, or acquiesced in such marketing; and if proof of the disposition of any amount of tobacco is not furnished as required by the Secretary, the acreage allotment next established for the farm on which such tobacco is produced shall be reduced by a percentage similarly computed.

**(h) Adjustment of allotment upon acquisition of part of farms by United States for defense.**—Notwithstanding any other provision of sections 1311-1314 of this title, any person who owned a farm, which in 1940 or thereafter was acquired by the United States for national-defense purposes, and who owns or acquires one or more other farms, shall, upon application to the local committee, be entitled to have an allotment for any one of such other farms owned by him for each of the five years succeeding the acquisition by the United States equal to the allotment which would have been made to such farm plus the allotment which would have been made to the farm acquired by the United States except for such acquisition: *Provided*, That such allotment shall not exceed 50 per centum of the acreage of cropland in the farm in the case of flue-cured tobacco, and 20 per centum of the acreage of cropland in the farm, in the case of kinds of tobacco other than flue-cured. Any farm for which the allotment has been determined under this subsection shall, after the end of such five years, have its allotment determined on the basis of past acreage of tobacco, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and soil and other physical factors affecting the production of tobacco: *Provided further*, That the provisions of this subsection shall not be applicable so long as there is any penalty due and unpaid, or a failure to account for the disposition of tobacco produced on the farm acquired by the United States, or if the allotment next established for such farm would have been reduced because of the false or improper identification of tobacco produced on or marketed from such farm. Nothing in this subsection shall be construed as preventing the Secretary from operating any allotment pool from which allotments are made to share tenants or sharecroppers who move from farms acquired by the United States for national defense purposes to other farms purchased and operated by such persons. (As amended Aug. 7, 1939, ch. 564, 53 Stat. 1261; June 13, 1940, ch. 360, § 4, 54 Stat. 392; Feb. 6, 1942, ch. 44, § 1, 56 Stat. 51; Apr. 29, 1943, ch. 80, 57 Stat. 69.)

Subsec. (a) amended by act June 13, 1940, cited to text, which added all following first sentence. Act April 29, 1943, cited to text, added proviso beginning "That the Burley tobacco acreage".

Subd. (g) added by Act Aug. 7, 1939, ch. 564, 53 Stat. 1261.

Subsec. (h) was added by Act Feb. 6, 1942, cited to text.

Delegation of regulatory functions of Secretary of Agriculture, see section 516a et seq. of Title 5, Executive Departments and Government Officers and Employees.

**Apportionment of burley acreage allotment.**—Joint Res. Mar. 31, 1944, c. 149, 58 Stat. 136, provided: "That notwithstanding the provisions of section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, [section 1313 of this title] the burley tobacco acreage allotment which would otherwise be established for any farm having a burley acreage allotment in 1943 shall not be less than one acre, or 25 per centum of the cropland, whichever is the smaller, and the acreage required for apportionment under this joint resolution [Mar. 31, 1944, ch. 149, 58 Stat. 136] shall be in addition to the National and State acreage allotments."

**Quotas for burley and flue-cured tobacco for marketing years 1946-47 and 1947-48.**—Joint Res. July 7, 1943, ch. 195, 57 Stat. 387, as amended by Joint Res. Mar.



31, 1944, ch. 149, 58 Stat. 136; Act Feb. 19, 1946, ch. 31, § 1, 60 Stat. 21, provided: "That notwithstanding the provisions of section 312(a) of the Agricultural Adjustment Act of 1938, as amended, [section 1312 of this title] relating to the finding of the total supply of tobacco, the reserve supply level and the amount of the national marketing quota, and the provisions of section 313 of said act [section 1313 of this title] relating to the apportionment of the national marketing quota for tobacco among the States and farms, national marketing quotas for burley and flue-cured tobacco for the marketing years 1944-45, 1945-46, 1946-47 and 1947-48 shall be proclaimed and the national marketing quota proclaimed by the Secretary and the State and farm acreage allotments established pursuant to the proclaimed national quota for burley tobacco for the 1946-47 marketing year shall be reduced uniformly so as to make available a supply of burley tobacco for such marketing year not less than the reserve supply level: Provided, That no allotment of one acre or less shall be reduced by more than 10 per centum. This joint resolution shall not have the effect of modifying or repeating any other provision of said act [sections 1281-1407 of this title, and sections 590h and 590o of Title 16]."

**Effective date.**—The second par. of section 1 of act Feb. 19, 1946, ch. 31, 60 Stat. 21, the first par. of which amended Joint Res. July 7, 1943, set out as a note under this section, provided: "The amendment made by this section shall not apply to flue-cured tobacco for the 1946-47 marketing year."

**§ 1314. Penalties—Persons liable.**—(a) The marketing of any kind of tobacco in excess of the marketing quota for the farm on which the tobacco is produced shall be subject to a penalty of 40 per centum of the average market price (calculated to the nearest whole cent) for such kind of tobacco for the immediately preceeding marketing year. Such penalty shall be paid by the person who acquired such tobacco from the producer but an amount equivalent to the penalty may be deducted by the buyer from the price paid to the producer in case such tobacco is marketed by sale; or, if the tobacco is marketed by the producer through a warehouseman or other agent, such penalty shall be paid by such warehouseman or agent who may deduct an amount equivalent to the penalty from the price paid to the producer: *Provided*, That in case any tobacco is marketed directly to any person outside the United States the penalty shall be paid and remitted by the producer. If any producer falsely identifies or fails to account for the disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in excess of the farm-acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm, and the penalty in respect thereof shall be paid and remitted by the producer. Tobacco carried over by the producer thereof from one marketing year to another may be marketed without payment of the penalty imposed by this section if the total amount of tobacco available for marketing from the farm in the marketing year from which the tobacco is carried over did not exceed the farm marketing quota established for the farm for such marketing year (or which would have been established if marketing quotas had been in effect for such marketing year), or if the tobacco so carried over does not exceed the normal production of that number of acres by which the harvested acreage of tobacco in the calendar year in which the marketing year begins is less than the farm-acreage allotment. Tobacco produced in a calendar year in which marketing quotas are in effect for the marketing year beginning therein shall be subject to such quotas even though it is marketed prior to the date on which such marketing year begins.

(b) **Collection and deposit.**—The Secretary shall require collection of the penalty upon a proportion of each lot of tobacco marketed from



the farm equal to the proportion which the tobacco available for marketing from the farm in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm if satisfactory proof is not furnished as to the disposition to be made of such excess tobacco prior to the marketing of any tobacco from the farm. All funds collected pursuant to this section shall be deposited in a special deposit account with the Treasurer of the United States until the end of the marketing year next succeeding that in which the funds are collected, and upon certification by the Secretary there shall be paid out of such special deposit account to persons designated by the Secretary the amount by which the penalty collected exceeds the amount of penalty due upon tobacco marketed in excess of the farm marketing quota for any farm. Such special account shall be administered by the Secretary, and the basis for, the amount of, and the person entitled to receive a payment from such account, when determined in accordance with regulations prescribed by the Secretary, shall be final and conclusive (As amended Aug. 7, 1939, ch. 565, 53 Stat. 1262; June 13, 1940, ch. 360, § 5, 54 Stat. 393; Feb. 19, 1946, ch. 31, § 2, 60 Stat. 21.)

Act June 13, 1940, cited to text, divided section into lettered subsections, added last three sentences to subsection (a) and inserted subsection (b).

Subsec. (a) amended by act Feb. 19, 1946, cited to text, which deleted "10 cents per pound in the case of flue-cured, Maryland, or Burley tobacco and 5 cents per pound in the case of all other kinds of tobacco." and inserted in lieu thereof "40 per centum \* \* \* marketing year" in the first sentence.

Subsec. (a), first sentence, was amended by Act Aug. 7, 1939, cited to text.

**Effective date.**—The second par. of section 2 of act Feb. 19, 1946, cited to text, provided: "The amendment made by this section shall become effective July 1, 1946, except that in the case of flue-cured tobacco such amendment shall become effective May 1, 1947."

#### *Part II.—Marketing Quotas—Corn*

**§ 1330. Supplemental provisions relating to corn and wheat marketing quotas.**—Notwithstanding the other provisions of this chapter (hereinafter referred to as this chapter)—

(1) The farm marketing quota under this chapter for any crop of wheat shall be the actual production of the acreage planted to wheat on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to wheat on the farm which is in excess of the farm acreage allotment for wheat. The farm marketing quota under this chapter for any crop of corn shall be the actual production of the acreage planted to corn on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to corn on the farm which is in excess of the farm acreage allotment for corn.

The normal production, or the actual production, whichever is the smaller, of such excess acreage is hereinafter called the "farm marketing excess" of corn or wheat, as the case may be. For the purposes of this section, "actual production" of any number of acres of corn or wheat on a farm means the actual average yield of corn or wheat, as the case may be, for the farm times such number of acres.

(2) During any marketing year for which quotas are in effect, the producer shall be subject to a penalty on the farm marketing excess of corn and wheat. The rate of the penalty shall be 50 per centum of the basic rate of the loan on the commodity for cooperators for such marketing year under section 1302 of this chapter and this section.



(3) The farm marketing excess for corn and wheat shall be regarded as available for marketing, and the penalty and the storage amount or amounts to be delivered to the Secretary of the commodity shall be computed upon the normal production of the excess acreage. Where, upon the application of the producer for an adjustment of penalty or of storage, it is shown to the satisfaction of the Secretary that the actual production of the excess acreage is less than the normal production thereof, the difference between the amount of the penalty or storage as computed upon the basis of normal production and as computed upon the basis of actual production shall be returned to or allowed the producer. The Secretary shall issue regulations under which the farm marketing excess of the commodity for the farm may be stored or delivered to him. Upon failure to store or deliver to the Secretary the farm marketing excess within such time as may be determined under regulations prescribed by the Secretary, the penalty computed as aforesaid shall be paid by the producer. Any corn or wheat delivered to the Secretary hereunder shall become the property of the United States and shall be disposed of by the Secretary for relief purposes in the United States or in foreign countries or in such other manner as he shall determine will divert it from the normal channels of trade and commerce.

(4) Until the producers on any farm store, deliver to the Secretary, or pay the penalty on, the farm marketing excess of any crop of corn or wheat, the entire crop of corn or wheat, as the case may be, produced on the farm shall be subject to a lien in favor of the United States for the amount of the penalty.

(5) The penalty upon corn or wheat stored shall be paid by the producer at the time, and to the extent, of any depletion in the amount of the commodity so stored, except depletion resulting from some cause beyond the control of the producer.

(6) Whenever the planted acreage of the then current crop of corn or wheat on any farm is less than the farm acreage allotment for such commodity, the total amount of the commodity from any previous crops required to be stored in order to postpone or avoid payment of penalty shall be reduced by that amount which is equal to the normal production of the number of acres by which the farm acreage allotment exceeds the planted acreage. The provisions of section 1326 (b) and (c) of this chapter shall be applicable also to wheat.

(7) A farm marketing quota on corn or wheat shall not be applicable to any farm on which the acreage planted to the commodity is not in excess of fifteen acres. The marketing penalty on corn or wheat shall not be applicable to any farm which, under the terms of the then current agricultural conservation program formulated under sections 590g–590q of Title 16, is classified as a nonallotment farm if the acreage of the commodity harvested on such nonallotment farm is not in excess of fifteen acres or the acreage allotment for the farm, whichever is larger. If the acreage of the commodity harvested on any such nonallotment farm is in excess of fifteen acres and in excess of such acreage allotment, the normal production or the actual production, whichever is the smaller, of the acreage harvested in excess of fifteen acres or such acreage allotment, whichever is larger, shall be taken as the farm marketing excess and shall be subject to penalty: *Provided*, That there shall be no penalty on wheat harvested on any such nonallotment farm from which no wheat is sold if the acreage of



wheat harvested on such farm does not exceed such acreage per family living thereon as may be used for home consumption without reducing the payment with respect to the farm under the then current agricultural conservation program: *Provided further*, That for the marketing year beginning in 1941, there shall be no marketing penalty on wheat with respect to any such nonallotment farm if the acreage of wheat harvested on the farm is not in excess of the usual acreage determined for the farm under the 1941 agricultural conservation program and the county committee determines, in accordance with regulations of the Secretary, that there will not be marketed an amount of wheat in excess of the 1941 farm marketing quota.

(8) Until the farm marketing excess of corn or wheat, as the case may be, is stored or delivered to the Secretary or the penalty thereon is paid, each bushel of the commodity produced on the farm which is sold by the producer to any person within the United States shall be subject to the penalty as specified in paragraph (2) of this section. Such penalty shall be paid by the buyer, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(9) The marketing penalty for cotton and rice produced in the calendar year in which any marketing year begins (if beginning with or after the 1941-42 marketing year) shall be at a rate equal to 50 per centum of the basic rate of the loan for cooperators for such marketing year under section 1302 of this chapter and this section.

(10) The Commodity Credit Corporation is directed to make available upon the 1941, 1942, 1943, 1944, 1945 and 1946 crops of the commodities cotton, corn, wheat, rice, tobacco and peanuts, for which producers have not disapproved marketing quotas for the marketing year beginning in the calendar year in which such crop is harvested, loans as follows:

(a) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at the rate of 85 per centum of the parity price for the commodity as of the beginning of the marketing year;

(b) To cooperators outside the commercial corn-producing area, in the case of corn, at the rate of 75 per centum of the rate specified in (a) above;

(c) To noncooperators (except noncooperators outside the commercial corn-producing area, in the case of corn) at the rate of 60 per centum of the rate specified in (a) above and only on so much of the commodity as would be subject to penalty if marketed.

(11) The provisions of this section are amendatory of and supplementary to this chapter, and all provisions of law applicable in respect of marketing quotas and loans under such chapter as so amended and supplemented shall be applicable, but nothing in this section shall be construed to amend or repeal section 1301 (b) (6), 1323 (b), or 1335 (d) of this chapter.

(12) Notwithstanding any of the foregoing provisions, the farm marketing excess for any crop of wheat for any farm shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat-acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Where downward adjustment in the amount of the farm marketing excess is made pursuant to the provisions of this paragraph, the difference between the amount



of the penalty or storage as computed upon the farm marketing excess before such adjustment and as computed upon the adjusted farm marketing excess shall be returned to or allowed the producer. (May 26, 1941, ch. 133, 55 Stat. 203, as amended Dec. 26, 1941, ch. 626, § 2, 55 Stat. 860; Dec. 26, 1941, ch. 636, 55 Stat. 872, eff. May 26, 1941.)

Par. (10) was amended by act, Dec. 26, 1941, ch. 626, cited to text.

Par. (12) was added, effective as of May 26, 1941, by act Dec. 26, 1941, ch. 636, cited to text.

**Transfer of functions.**—The administration of the program of the Commodity Credit Corporation was transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 713 of this title.

*Part III.—Marketing Quotas—Wheat*

**§ 1334. Apportionment of national acreage allotment.**

\*                      \*                      \*                      \*                      \*                      \*

**(d) Adjustment of allotment upon acquisition of part of farms by United States for defense.**—Notwithstanding any other provision of this section, the allotments established, or which would have been established, for any farm acquired in 1940 or thereafter by the United States for national-defense purposes shall be placed in an allotment pool and shall be used only to establish allotments for other farms owned or acquired by the owner of the farm so acquired by the United States. The allotment so made for any farm, including a farm on which wheat has not been planted during any of the three marketing years preceding the marketing year in which the allotment is made, shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of wheat. (As added Feb. 6, 1942, ch. 44, § 2, 56 Stat. 52.)

Subsec. (d) was added by act Feb. 6, 1942, cited to text.

**Emergency farm acreage allotment.**—Act Feb. 28, 1945, ch. 15, 59 Stat. 9, provided: "That in establishing acreage allotments under subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended [sections 1311–1359 of this title], or under the Soil Conservation and Domestic Allotment Act, as amended [sections 590a–590e, 590f–590h, 590i, 590j–590q of Title 16], the Secretary of Agriculture, under regulations prescribed by him, may provide that for any crop year (beginning with the crop year 1945) during the present emergency any farm, with respect to which a cotton, wheat, or peanut allotment was established for the 1942 crop, shall be regarded as a farm on which cotton, wheat, or peanuts, as the case may be, were planted and grown, if the Secretary determines that, with the respect to cotton or wheat, because of the production of war crops designated by him on such farm, or, with respect to cotton, wheat, or peanuts, because the owner or operator was serving in the armed forces of the United States, the cotton, wheat, or peanut production history of the farm for such year is not representative of the normal history of the farm.

"The Secretary may also provide with respect to any such farm that the past acreage of peanuts shall be adjusted upward to the extent that the acreage used for growing peanuts on such farm in such year is below the normal history of the farm."

**Cross references.**—Delegation of regulatory functions of Secretary of Agriculture, see section 516a et seq. of title 5, Executive Departments and Government Officers and Employees.

**§ 1340. See § 1330.**

*Part IV.—Marketing Quotas—Cotton*

**§ 1341. Legislative finding of effect on interstate and foreign commerce and necessity of regulation.**



**Suspension of marketing quotas for 1947.**—Joint Res. July 24, 1946, ch. 616, 60 Stat. 662, provided: "That notwithstanding the provisions of sections 341-350, inclusive, of the Agricultural Adjustment Act of 1938, as amended [7 U. S. C. §§ 341-350], and in view of the critical shortage of fats and oils and protein feeds, cotton marketing quotas shall not be proclaimed with respect to the marketing year beginning August 1, 1947, and no National, State, county, or farm acreage allotments for cotton for the 1947 crop shall be established."

### § 1342. Finding and proclamation of supplies, etc.

Suspension of marketing quotas, see note set out under section 1341 of this title.

### § 1344. Apportionment of national allotment.

**Emergency farm acreage allotment.**—Act Feb. 28, 1945, ch. 15, 59 Stat. 9, provided: "That in establishing acreage allotments under subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended [sections 1311-1359 of this title], or under the Soil Conservation and Domestic Allotment Act, as amended [sections 590a-590e, 590f-590h, 590i, 590j-590q of title 16], the Secretary of Agriculture, under regulations prescribed by him, may provide that for any crop year (beginning with the crop year 1945) during the present emergency any farm, with respect to which a cotton, wheat, or peanut allotment was established for the 1942 crop, shall be regarded as a farm on which cotton, wheat, or peanuts, as the case may be, were planted and grown, if the Secretary determines that, with respect to cotton or wheat, because of the production of war crops designated by him on such farm, or, with respect to cotton, wheat, or peanuts, because the owner or operator was serving in the armed forces of the United States, the cotton, wheat, or peanut production history of the farm for such year is not representative of the normal history of the farm.

"The Secretary may also provide with respect to any such farm that the past acreage of peanuts shall be adjusted upward to the extent that the acreage used for growing peanuts on such farm in such year is below the normal history of the farm."

**Cross references.**—Delegation of regulatory functions of Secretary of Agriculture, see section 516a et seq. of title 5, Executive Departments and Government Officers and employees.

Suspension of marketing quotas, see note set out under section 1341 of this title.

#### *Part VI.—Marketing Quotas—Peanuts*

**§ 1357. Legislative findings.**—The production, marketing, and processing of peanuts and peanut products employs a large number of persons and is of national interest. The movement of peanuts from producer to consumer is preponderantly in interstate and foreign commerce, and, owing to causes beyond their control, the farmers producing such commodity and the persons engaged in the marketing and processing thereof are unable to regulate effectively the orderly marketing of the commodity. As the quantity of peanuts marketed in the channels of interstate and foreign commerce increases above the quantity of peanuts needed for cleaning and shelling, the prices at which all peanuts are marketed are depressed to low levels. These low prices tend to cause the quantity of peanuts available for marketing in later years to be less than normal, which in turn tends to cause relatively high prices. This fluctuation of prices and marketings of peanuts creates an unstable and chaotic condition of the marketing of peanuts for cleaning and shelling and for crushing for oil in the channels of interstate and foreign commerce. Since these unstable and chaotic conditions have existed for a period of years and are likely, without proper regulation, to continue to exist, it is imperative that the market-



ing of peanuts for cleaning and shelling and for crushing for oil in interstate and foreign commerce be regulated in order to protect producers, handlers, processors, and consumers. (Feb. 16, 1938, 3 p. m., ch. 30, title III, § 357, as added Apr. 3, 1941, ch. 39, § 1, 55 Stat. 88.)

**Suspension of marketing quotas for 1947.**—Joint Res. July 24, 1946, ch. 617, 60 Stat. 663, provided: "That notwithstanding the provisions of section 357-359, inclusive, of the Agricultural Adjustment Act of 1938, as amended [7 U. S. C. §§ 1357-1359], and in view of the critical shortage of high protein foods and feeds, and fats and oils, peanut marketing quotas shall not be proclaimed with respect to the crop of peanuts produced in the calendar year 1947, and no National, State, or farm acreage allotments for peanuts for the 1947 crop shall be established."

**§ 1358. Marketing quotas.**—(a) Between July 1 and December 1 of each calendar year the Secretary shall proclaim the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions, and the quota so proclaimed shall be in effect with respect to such crop. The national marketing quota for peanuts for any year shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustments as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields in such five years: *Provided*, That the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than one million six hundred and ten thousand acres, and that the national marketing quota established for any subsequent year shall be quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941.

(b) Not later than December 15 of each calendar year the Secretary shall conduct a referendum of farmers engaged in the production of peanuts in the calendar year in which the referendum is held to determine whether such farmers are in favor of or opposed to marketing quotas with respect to the crops of peanuts produced in the three calendar years immediately following the year in which the referendum is held, except that, if as many as two-thirds of the farmers voting in any referendum vote in favor of marketing quotas, no referendum shall be held with respect to quotas for the second and third years of the period. The Secretary shall proclaim the results of the referendum within thirty days after the date on which it is held, and, if more than one-third of the farmers voting in the referendum vote against marketing quotas, the Secretary also shall proclaim that marketing quotas will not be in effect with respect to the crop of peanuts produced in the calendar year immediately following the calendar



year in which the referendum is held. Notwithstanding any other provisions of this section, the Secretary shall proclaim a national marketing quota with respect to the crop of peanuts produced in the calendar year 1941 equal to the minimum quota provided for said year in subsection (a) hereof and shall provide for the holding of a referendum on such quota within thirty days after April 3, 1941, and the State and farm acreage allotments established under the 1941 agricultural conservation program shall be the State and farm acreage allotments for the 1941 crop of peanuts.

(c) The national acreage allotment shall be apportioned among States on the basis of the average acreage of peanuts harvested for nuts in the five years preceding the year in which the national allotment is determined, with adjustments for trends, abnormal conditions of production, and the State peanut-acreage allotment for the crop immediately preceding the crop for which the allotment hereunder is established: *Provided*, That the allotment established for any State for any year subsequent to 1941 shall be not less than the allotment established for such State for the crop produced in the calendar year 1941 and any additional acreage so required shall be in addition to the national marketing quota: *Provided further*, That for the second or third year of any three-year period in which marketing quotas are in effect the acreage allotment for each State for such year shall be increased above or decreased below the allotment for the State for the immediately preceding year by the same percentage as the national marketing quota for such year is increased above or decreased below the national marketing quota for the preceding year.

(d) The Secretary shall provide for apportionment of the State acreage allotment for any State through local committees among farms on which peanuts were grown in any of the three years immediately preceding the year for which such allotment is determined. Such apportionment shall be made on the basis of the tillable acreage available for the production of peanuts and the past acreage of peanuts on the farm, taking into consideration the peanut-acreage allotments established for the farm under previous agricultural adjustment and conservation programs. Any acreage of peanuts harvested in excess of the allotted acreage for any farm for any year shall not be considered in the establishment of the allotment for the farm until the third year following the year in which such excess acreage is harvested and the total increases made in farm-acreage allotments in any year based on such excess acreage shall not exceed 2 per centum of the national acreage allotment for such year: *Provided*, That in the distribution of such increases based on such excess acreage the total allotments established for new farms shall not be less than 50 per centum of such increases. The amount of the marketing quota for each farm shall be a number of pounds of peanuts equal to the normal production or the actual production, whichever is the greater, of the farm peanut acreage allotment and no peanuts shall be marketed under the quota for any farm other than peanuts actually produced on the farm. (Feb. 16, 1938, 3 p. m. ch. 30, Title III, § 358, as added Apr. 3, 1941, ch. 39. § 1, 55 Stat. 88, and amended July 9, 1942, ch. 497, § 1 (1), 56 Stat. 653; July 26, 1946, ch. 677, 60 Stat. 705.)



Subsec. (a) amended by act July 26, 1946, cited to text, which struck out of proviso "95 per centum of" in order to give States an allotment at least equal to 100 percent of the acreage in said State during 1941.

Subsec. (c) amended by act July 26, 1946, cited to text, which struck out of first proviso "95 per centum of" and added immediately preceding colon "and any additional \* \* \* national marketing quota" in order to give States an allotment at least equal to 100 percent of the acreage in said State during 1941, and to provide other States against any loss of acreage by reason of this change.

Subsec. (d) was amended by Act July 9, 1942, cited to text, which substituted last sentence for former last sentence.

**Emergency farm acreage allotment.**—Act Feb. 28, 1945, ch. 15, 59 Stat. 9, provided: "That in establishing acreage allotments under subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended [sections 1311–1359 of this title], or under the Soil Conservation and Domestic Allotment Act, as amended [sections 590a–590e, 590f–590h, 590i, 590j–590q of title 16], the Secretary of Agriculture, under regulations prescribed by him, may provide that for any crop year (beginning with the crop year 1945) during the present emergency any farm, with respect to which a cotton, wheat, or peanut allotment was established for the 1942 crop, shall be regarded as a farm on which cotton, wheat, or peanuts, as the case may be, were planted and grown, if the Secretary determines that, with respect to cotton or wheat, because of the production of war crops designated by him on such farm, or, with respect to cotton, wheat, or peanuts, because the owner or operator was serving in the armed forces of the United States, the cotton, wheat, or peanut production history of the farm for such year is not representative of the normal history of the farm.

"The Secretary may also provide with respect to any such farm that the past acreage of peanuts shall be adjusted upward to the extent that the acreage used for growing peanuts on such farm in such year is below the normal history of the farm."

**Cross references.**—Suspension of marketing quotas, see note set out under section 1357 of this title.

### § 1359. Marketing penalties.

**Transfer of functions.**—The administration of the program of the Commodity Credit Corporation was transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, 11 F. R. 7877, 60 Stat. 1100. See note under section 713 of title 15.

**Cross references.**—Suspension of marketing quotas, see note set out under section 1357 of this title.

## D. MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

### *Part I—Miscellaneous*

### § 1381. Cotton price adjustment payments.

#### TEMPORARY SUSPENSION OF SUBSEC. (C)

Section 2 of act Apr. 12, 1945, ch. 54, 59 Stat. 50, provided: "The provisions of subsection (c) of section 381 of the Agricultural Adjustment Act of 1938 (52 Stat. 67) (subsection (c) of this section) are suspended until the expiration of the two-year period beginning with the 1st day of January immediately following the date on which the President, by proclamation, or the Congress, by concurrent resolution, declares that hostilities in the present war have terminated. During the period of such suspension the Commodity Credit Corporation shall not sell any farm commodity owned or controlled by it at less than the parity or comparable price therefor, except that the foregoing restriction shall not apply to (1) sales for new or byproduct uses; (2) sales of peanuts for the extraction of oil; (3) sales for export; (4) sales for seed or feed: *Provided*, That no wheat or corn shall be sold for feed at less than parity price for corn at the time such sale is made: *And provided further*, That in making regional adjustments in the sale price of corn or wheat for feed, the minimum price need not be higher in any area than the United States average parity price for corn; (5) sales of commodities which have substantially deteriorated in quality or of nonbasic perishable commodities where there is danger of loss or waste through spoilage; or (6) sales for the purpose of establishing claims against persons who have committed



fraud, misrepresentation, or other wrongful acts with respect to the commodity. The method that is now used for the purposes of Commodity Credit Corporation loans for determining the parity price or its equivalent for seven-eighths-inch Middling cotton at the average location used in fixing the base loan rate for cotton shall also be used for determining the parity price for seven-eighths-inch Middling cotton at such average location for the purposes of this section."

**Transfer of functions.**—The administration of the program of the Commodity Credit Corporation was transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 713 of title 15.

**Cross references.**—Delegation of regulatory functions of Secretary of Agriculture, see section 516a et seq. of title 5, Executive Departments and Government Officers and Employees.

### § 1382. Extension of 1937 cotton loan.

**Transfer of functions.**—The administration of the program of the Commodity Credit Corporation was transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 713 of title 15.

### §§ 1383, 1383a.

**Transfer of functions.**—The administration of the program of the Commodity Credit Corporation was transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 713 of title 15.

### § 1384. Repealed. Aug. 7, 1946, ch. 770, § 1 (3), 60 Stat. 866.

### § 1389. Personnel.

**Transfer of functions.**—Functions of the Agricultural Adjustment Administration were transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 610 of this title.

Agricultural Adjustment Administration consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to Title 50, War.

## *Part II—Appropriations and Administrative Expenses*

### § 1391. Appropriations; loans from Commodity Credit Corporation.

**Transfer of functions.**—The administration of the program of the Commodity Credit Corporation was transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 713, of title 15.

### § 1392. Administrative expenses; posting names and compensation of local employees.

**Transfer of functions.**—Functions of the Agricultural Adjustment Administration were transferred to the Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 561, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 610 of this title.

## Chapter 36—CROP INSURANCE

### § 1503. Federal Crop Insurance Corporation; creation; offices.

**Transfer of functions.**—Under the authority of Ex. Ord. 9577, June 29, 1945, set out in note under section 601 of appendix to title 50, the Secretary of Agriculture consolidated the administration of the program of the Federal Crop Insurance Corporation in the Production and Marketing Administration by Memorandum 1118, Aug. 18, 1945. 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100, set out in note under section 133y-16 of title 5, transferred the administration of the program of the Federal Crop Insurance Corporation to the Secretary of Agriculture. In his letter to Congress, the President stated that the



purpose of this transfer was to permit the Secretary of Agriculture to continue the consolidation already effected in the Production and Marketing Administration.

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to title 50, War.

**Cross references.**—Financial control of corporation, see chapter 14 of title 31, Money and Finance.

### **§ 1504. Capital stock of corporation; subscription by United States; appropriation.**

**Transfer of functions.**—Administration of the program of the Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 1503 of this title.

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

**§ 1504a. Capitalization of Corporation.**—The payment for capital stock in the Federal Crop Insurance Corporation shall be effected by transfer of funds on the books of the Treasury Department to the credit of the Corporation. (June 27, 1940, ch. 437, title I, 54 Stat. 640.)

This section is not part of the "Federal Crop Insurance Act."

**Transfer of functions.**—Administration of the program of the Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 1503 of this title.

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

### **§ 1505. Board of directors, compensation; manager of corporation.**

**Transfer of functions.**—Administration of the program of the Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 1503 of this title.

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

### **§ 1506. General powers of Corporation.**

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(h) may conduct researches, surveys, and investigations relating to crop insurance, and preparatory to the application of the chapter to other basic commodities when so provided by law, shall assemble data relative to field corn, for the purpose of establishing a satisfactory actuarial basis for such commodity. (As amended June 21, 1941, ch. 214, § 2, 55 Stat. 255.)

\* \* \* \* \*

Subsec. (h) was amended by Act June 21, 1941, cited to text, which substituted for "for wheat and other agricultural commodities" the words "and preparatory to the application of the chapter to other basic commodities when so provided by law, shall assemble data relative to field corn, for the purpose of establishing a satisfactory actuarial basis for such commodity."

**Transfer of functions.**—Administration of the program of the Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 1503 of this title.



Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

### § 1507. Personnel of corporation.

**Transfer of functions.**—Administration of the program of the Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 1503 of this title.

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

### § 1508. Agricultural commodity crop insurance.

**Transfer of functions.**—Administration of the program of the Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 1503 of this title.

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

### §§ 1509-1512.

**Transfer of functions.**—Administration of the program of the Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 1503 of this title.

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

### § 1513. Accounting by corporation.

**Transfer of functions.**—Administration of the program of the Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 1503 of this title.

Wartime consolidation of Federal Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

**Cross references.**—Auditing procedures and costs, see sections 850 and 866 of title 31, Money and Finance.

### §§ 1514, 1515.

**Transfer of functions.**—Administration of the program of the Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 1503 of this title.

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

### § 1516. Appropriations and regulations.

Subsec. (a) was amended by act June 21, 1941, which substituted the words "the agricultural commodity" for "wheat," and substituted "\$12,000,000" for "\$6,000,000".

**Additional appropriations.**—Section 6 of act Dec. 23, 1944, ch. 713, 58 Stat. 920, provided: "For the administration of the Federal Crop Insurance Act, as amended [sections 1501-1504, 1505-1519 of this title], including amendments made by this act, [act Dec. 23, 1944, ch. 713, 58 Stat. 918], there is hereby made immediately available for the remainder of the fiscal year ending June 30, 1945, as an additional amount, not in excess of \$3,000,000 of the unobligated balances of the funds appropriated for carrying out the provisions of the Federal Crop Insurance Act for the fiscal years 1943 and 1944, and such amount thereof



as may be required shall be available for deposit to the general fund of the Treasury for the cost of penalty mail incident to the crop insurance program as required by section 2 of the act of June 28, 1944 (Public Law 364, seventy-eighth Cong.) [section 321d of title 39]. The provisos in the items entitled "Federal Crop Insurance Act" contained in the Department of Agriculture Appropriation Act, 1944 [act July 12, 1943, ch. 215, 57 Stat. 392], and the Department of Agriculture Appropriation Act, 1945 [act June 28, 1944, ch. 296, 58 Stat. 425], are hereby repealed."

**Transfer of functions.**—Administration of the program of the Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100. See note under section 1503 of this title.

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

### DISTRIBUTION AND MARKETING OF AGRICULTURAL PRODUCTS [NEW]

**§ 1621. Congressional declaration of purpose; use of existing facilities; cooperation with States.**—The Congress declares that a sound, efficient, and privately operated system for distributing and marketing agricultural products is essential to a prosperous agriculture and is indispensable to the maintenance of full employment and to the welfare, prosperity, and health of the Nation. It is further declared to be the policy of Congress to promote through research, study, experimentation, and through cooperation among Federal and State agencies, farm organizations, and private industry a scientific approach to the problems of marketing, transportation, and distribution of agricultural products similar to the scientific methods which have been utilized so successfully during the past eighty-four years in connection with the production of agricultural products so that such products capable of being produced in abundance may be marketed in an orderly manner and efficiently distributed. In order to attain these objectives, it is the intent of Congress to provide for (1) continuous research to improve the marketing, handling, storage, processing, transportation, and distribution of agricultural products; (2) cooperation among Federal and State agencies, producers, industry organizations, and others in the development and effectuation of research and marketing programs to improve the distribution processes; (3) an integrated administration of all laws enacted by Congress to aid the distribution of agricultural products through research, market aids and services, and regulatory activities, to the end that marketing methods and facilities may be improved, that distribution costs may be reduced and the price spread between the producer and consumer may be narrowed, that dietary and nutritional standards may be improved, that new and wider markets for American agricultural products may be developed, both in the United States and in other countries, with a view to making it possible for the full production of American farms to be disposed of usefully, economically, profitably, and in an orderly manner. In effectuating the purposes of this chapter, maximum use shall be made of existing research facilities owned or controlled by the Federal Government or by State agricultural experiment stations and of the facilities of the Federal and State extension services. To the maximum extent practicable marketing research work done under this chapter in cooperation with the States shall be done in cooperation with the State



agricultural experiment stations; marketing educational and demonstrational work done under this chapter in cooperation with the States shall be done in cooperation with the State agricultural extension service; market information, inspection, regulatory work and other marketing service done under this chapter in cooperation with the State agencies shall be done in cooperation with the State departments of agriculture, and State bureaus and departments of markets. (Aug. 14, 1946, ch. 966, title II, § 202, 60 Stat. 1082.)

**Short title.**—Congress in enacting this chapter provided by section 201 of act Aug. 14, 1946, cited to text, that it should be popularly known as the “Agricultural Marketing Act of 1946”.

**§ 1622. Duties of Secretary relating to agricultural products.**—The Secretary of Agriculture is directed and authorized:

(a) **Determination of methods of processing, packaging, marketing, etc.; publication of results.**—To conduct, assist, and foster research, investigation, and experimentation to determine the best methods of processing, preparation for market, packaging, handling, transporting, storing, distributing, and marketing agricultural products: *Provided*, That the results of such research shall be made available to the public for the purpose of expanding the use of American agricultural products in such manner as the Secretary of Agriculture may determine.

(b) **Determination of costs.**—To determine costs of marketing agricultural products in their various forms and through the various channels and to foster and assist in the development and establishment of more efficient marketing methods (including analyses of methods and proposed methods), practices, and facilities, for the purpose of bringing about more efficient and orderly marketing, and reducing the price spread between the producer and the consumer.

(c) **Improvement of standards of quality, conditions, etc.**—To develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.

(d) **Elimination of artificial barriers to free movement.**—To conduct, assist, foster, and direct studies and informational programs designed to eliminate artificial barriers to the free movement of agricultural products.

(e) **Development of new markets.**—To foster and assist in the development of new or expanded markets (domestic and foreign) and new and expanded uses and in the moving of larger quantities of agricultural products through the private marketing system to consumers in the United States and abroad.

(f) **Increasing consumer education.**—To conduct and cooperate in consumer education for the more effective utilization and greater consumption of agricultural products: *Provided*, That no money appropriated under the authority of this chapter shall be used to pay for newspaper or periodical advertising space or radio time in carrying out the purposes of this section and subsection (e) of this section.

(g) **Collection and dissemination of marketing information.**—To collect and disseminate marketing information, including adequate outlook information on a market-area basis, for the purpose of anticipating and meeting consumer requirements, aiding in the maintenance of farm income, and bringing about a balance between production and utilization of agricultural products.



**(h) Inspection and certification of products in interstate commerce; certificates as evidence.**—To inspect, certify, and identify the class, quality, quantity, and condition, of agricultural products when shipped or received in interstate commerce, under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire, except that no person shall be required to use the service authorized by this subsection. Any official certificate issued under the authority of this subsection shall be received by all officers and all courts of the United States as *prima facie* evidence of the truth of the statements therein contained.

**(i) Development of facilities for assembling, processing, transporting, etc.**—To determine the needs and develop or assist in the development of plans for efficient facilities and methods of operating such facilities for the proper assembly, processing, transportation, storage, distribution, and handling of agricultural products.

**(j) Improvement of transportation facilities and rates.**—To assist in improving transportation services and facilities and in obtaining equitable and reasonable transportation rates and services and adequate transportation facilities for agricultural products and farm supplies by making complaint or petition to the Interstate Commerce Commission, the Maritime Commission, the Civil Aeronautics Board, or other Federal or State transportation regulatory body with respect to rates, charges, tariffs, practices, and services, or by working directly with individual carriers or groups of carriers.

**(k) Collection and dissemination of marketing statistics.**—To collect, tabulate, and disseminate statistics on marketing agricultural products, including, but not restricted to statistics on market supplies, storage stocks, quantity, quality, and condition of such products in various positions in the marketing channel, utilization of such products, and shipments and unloads thereof.

**(l) Development of procurement standards and specifications.**—To develop and promulgate, for the use and at the request of any Federal agency or State, procurement standards and specifications for agricultural products, and submit such standards and specifications to such agency or State for use or adoption for procurement purposes.

**(m) Promotion of research for handling, storing, preserving, etc.**—To conduct, assist, encourage, and promote research, investigation, and experimentation to determine the most efficient and practical means, methods, and processes for the handling, storing, preserving, protecting, processing, and distributing of agricultural commodities to the end that such commodities may be marketed in an orderly manner and to the best interest of the producers thereof.

**(n) General research, services, and activities.**—To conduct such other research and services and to perform such other activities as will facilitate the marketing, distribution, processing, and utilization of agricultural products through commercial channels. (Aug. 14, 1946, ch. 966, title II, § 203, 60 Stat. 1087.)

**§ 1623. Appropriations; allotments to States.**—(a) In order to conduct research and service work in connection with the preparation for market, processing, packaging, handling, storing, transporting, distributing, and marketing of agricultural products as authorized by



this chapter, there is authorized to be appropriated the following sums:

(1) \$2,500,000 for the fiscal year ending June 30, 1947, and each subsequent fiscal year.

(2) An additional \$2,500,000 for the fiscal year ending June 30, 1948, and each subsequent fiscal year.

(3) An additional \$5,000,000 for the fiscal year ending June 30, 1949, and each subsequent fiscal year.

(4) An additional \$5,000,000 for the fiscal year ending June 30, 1950, and each subsequent fiscal year.

(5) An additional \$5,000,000 for the fiscal year ending June 30, 1951, and each subsequent fiscal year.

(6) In addition to the foregoing, such additional funds beginning with the fiscal year ending June 30, 1952, and thereafter, as the Congress may deem necessary.

Such sums appropriated in pursuance of this chapter shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to the Department of Agriculture.

(b) The Secretary of Agriculture is authorized to make available from such funds such sums as he may deem appropriate for allotment to State departments of agriculture, State bureaus and departments of markets, State agricultural experiment stations, and other appropriate State agencies for cooperative projects in marketing service and in marketing research to effectuate the purposes of this chapter: *Provided*, That no such allotment and no payment under any such allotment shall be made for any fiscal year to any State agency in excess of the amount which such State agency makes available out of its own funds for such research. The funds which State agencies are required to make available in order to qualify for such an allotment shall be in addition to any funds now available to such agencies for marketing services and for marketing research. The allotments authorized under this section shall be made to the agency or agencies best equipped and qualified to conduct the specific project to be undertaken. Such allotments shall be covered by cooperative agreements between the Secretary of Agriculture and the cooperating agency and shall include appropriate provisions for preventing duplication or overlapping of work within the State or States cooperating. Should duplication or overlapping occur subsequent to approval of a cooperative project or allotment of funds, the Secretary of Agriculture is authorized and directed to withhold unexpended balances on such projects notwithstanding the prior approval thereof. (Aug. 14, 1946, ch. 966, title II, § 204, 60 Stat. 1089.)

**§ 1624. Cooperation with Government and State agencies, private research organization, etc.; rules and regulations; report to Congress.**—(a) In carrying out the provisions of this chapter, the Secretary of Agriculture may cooperate with other branches of the Government, State agencies, private research organizations, purchasing and consuming organizations, boards of trade, chambers of commerce, other associations of business or trade organizations, transportation and storage agencies and organizations, or other persons or corporations engaged in the production, transportation, storing, processing, marketing, and distribution of agricultural products whether operating in one or more jurisdictions. The Secretary of Agriculture shall have authority to enter into contracts and agreements under the terms of regulations promulgated by him with States and agencies of States,



private firms, institutions, and individuals for the purpose of conducting research and service work, making and compiling reports and surveys, and carrying out other functions relating thereto when in his judgment the services or functions to be performed will be carried out more effectively, more rapidly, or at less cost than if performed by the Department of Agriculture. Contracts under this section may be made for work to be performed within a period not more than four years from the date of any such contract, and advance, progress, or other payments may be made. The provisions of section 529 of Title 31 and section 5 of Title 41 shall not be applicable to contracts or agreements made under the authority of this section. Any unexpended balances of appropriations obligated by contracts as authorized by this section may, notwithstanding the provisions of section 713 of Title 31, remain upon the books of the Treasury for not more than five fiscal years before being carried to the surplus fund and covered into the Treasury. Any contract made pursuant to this section shall contain requirements making the result of such research and investigations available to the public by such means as the Secretary of Agriculture shall determine.

(b) The Secretary of Agriculture shall promulgate such orders, rules, and regulations as he deems necessary to carry out the provisions of this chapter. In his annual report to Congress, he shall include a complete statement of research work being performed under contracts or cooperative agreements under this chapter, showing the names of the agencies cooperating and the amounts expended thereon, segregated by Federal and non-Federal funds. (Aug. 14, 1946, ch. 966, title II, § 205, 60 Stat. 1090.)

**§ 1625. Transfer and consolidation of functions, powers, bureaus, etc.**—In order to facilitate administration and to increase the effectiveness of the marketing research, service, and regulatory work of the Department of Agriculture to the fullest extent practicable, the Secretary of Agriculture is authorized, notwithstanding any other provisions of law, to transfer, group, coordinate, and consolidate the functions, powers, duties, and authorities of each and every agency, division, bureau, service, section, or other administrative unit in the Department of Agriculture primarily concerned with research, service, or regulatory activities in connection with the marketing, transportation, storage, processing, distribution of, or service or regulatory activities in connection with, the utilization of, agricultural products, into a single administrative agency. In making such changes as may be necessary to carry out effectively the purposes of this chapter, the records, property, personnel, and funds of such agencies, divisions, bureaus, services, sections, or other administrative units in the Department of Agriculture affected are authorized to be transferred to and used by such administrative agency to which the transfer may be made, but such unexpended balances of appropriations so transferred shall be used only for the purposes for which such appropriations were made. (Aug. 14, 1946, ch. 966, title II, § 206, 60 Stat. 1090.)

**§ 1626. Definitions.**—When used in this chapter, the term “agricultural products” includes agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured produce thereof. (Aug. 14, 1946, ch. 966 title II, § 207, 60 Stat. 1091.)



**§ 1627. Appointment of personnel; compensation; employment of specialists.**—The Secretary of Agriculture shall have the power to appoint, remove, and fix, in accordance with existing law, the compensation of such officers and employees, and to make such expenditures as he deems necessary, including expenditures for rent outside the District of Columbia, travel, supplies, books, equipment, and such other expenditures as may be necessary to the administration of this chapter: *Provided*, That the Secretary of Agriculture may appoint and fix the compensation of any technically qualified person, firm, or organization by contract or otherwise on a temporary basis and for a term not to exceed six months in any fiscal year to perform research, inspection, classification, technical, or other special services, without regard to the civil-service laws or sections 661-663, 664-673 and 674 of Title 5. (Aug. 14, 1946, ch. 966, title II, § 208, 60 Stat. 1091.)

**§ 1628. Establishment of national advisory committee; chairman; members; meetings; compensation; expenses.**—In order to aid in implementing the research and service work authorized under sections 427, 427h-427j of this title and this chapter, and to assist in obtaining the fullest cooperation among Federal and State agencies, producers, farm organizations, and private industry, in the development of and in effectuating such research and service programs, and in order to secure the greatest benefit from the expenditure of funds, the Secretary of Agriculture shall establish a national advisory committee. The functions of such advisory committee shall be to consult with the Secretary of Agriculture and other appropriate officials of the Department of Agriculture, to make recommendations relative to research and service work authorized by sections 427, 427h-427j of this title and this chapter, and to assist in obtaining the cooperation of producers, farm organizations, industry groups, and Federal and State agencies in the furtherance of such research and service programs. The chairman of the committee shall be the Secretary of Agriculture or such other official of the Department of Agriculture as he shall designate. The committee shall consist of eleven members, six of whom shall be representatives of producers or their organizations. The committee shall meet at least once each quarter and at such other times as are deemed necessary. Members of the committee may not appoint alternates to serve in their stead. Committee members other than the chairman shall not be deemed to be employees of the United States and are not entitled to compensation, but the Secretary of Agriculture is authorized to allow their traveling and subsistence expenses necessary in connection with their attendance at meetings called by him for the purposes of this section. (Aug. 14, 1946, ch. 966, title III, § 301, 60 Stat. 1091.)

This section was not enacted as a part of the Agricultural Marketing Act of 1946 which comprises this chapter.

**§ 1629. Establishment of additional committees; composition.**—In the furtherance of the research and service work authorized by sections 427, 427h-427j of this title and this chapter, the Secretary of Agriculture may, in addition to the national advisory committee, establish appropriate committees, including representatives of producers, industry, government, and science, to assist in effectuating specific research and service programs. (Aug. 14, 1946, ch. 966, title III, § 302, 60 Stat. 1091.)

This section was not enacted as a part of the Agricultural Marketing Act of 1946 which comprises this chapter.



## **TITLE 12—BANKS AND BANKING**

### **Farm Credit Administration**

- Sec.  
636. Farm Credit Administration; provisions relating to organization.  
639. Governor; supplementary grant of powers.  
641. "Federal Farm Loan Act"; administration.

### **Federal Land Banks, Joint-Stock Land Banks, and National Farm-Loan Associations**

#### **Federal Land Banks**

672. Establishment; titles; branches, Puerto Rico and Alaska; loans by branches.

#### **National Farm-Loan Associations Generally**

712. Directors; officers, loan committee.

#### **National Farm-Loan Associations; Special Provisions**

745. New members.  
751. Investigation by loan committee; appraiser's report; committee's appraisal and report; notification to applicant.  
752. Submission of loan application and reports to land bank.  
753. Requirement for appraisal of land offered as security before making land bank loan.

#### **Federal Land Bank Loans**

771. Restrictions enumerated.

#### **Powers of Federal Land Banks Generally**

781. Enumerated powers.

#### **Form and Issue of Farm-Loan Bonds; Special Provisions**

857. Acceptable collateral security.  
861. Amount, denomination, and terms; maturity, interest rates.  
874. Signing and attesting; certificate of Land Bank Commissioner.  
880. Certificate of Land Bank Commissioner.  
1016. Loans to farmers by Land Bank Commissioner; provisions governing.  
1020b. Federal Farm Mortgage Corporation; capital, amount; subscription, etc.  
1020d. Purchase of consolidated farm loan bonds; loans to Federal joint stock land banks; investment in mortgages; extensions, etc.  
1020i-1020o. Repealed. Aug. 14, 1946, ch. 964, § 2 (a) (2), 60 Stat. 1062.  
1804. Federal Loan Agency—Audit of financial transactions of Government corporations; place of audit; access to records; annual report; scope; expenses.  
1805. Employment of auditing personnel; payment of auditing expenses; reimbursement; limitation.

### **Chapter 7—FARM CREDIT ADMINISTRATION**

#### **§ 636. Farm Credit Administration; provisions relating to organization.**

Survey on feasibility of making loans to farmers through the Federal Land Bank System; limitation date. Section 3 of act July 12, 1946, ch. 570, 60 Stat. 533, provided: "The Farm Credit Administration is hereby authorized and directed to make a thorough study of ways and means of making available to



the farmers through the Federal Land Bank System loans similar to those now made by the Land Bank Commissioner through the Federal Farm Mortgage Corporation. The study shall be completed as soon as practicable and shall be submitted to the Agricultural Committee of the House of Representatives and Senate Committee on Banking and Currency, with recommendations not later than Mar. 1, 1947."

**Repeals.**—Repeal of authority of the Farm Credit Administration\* to make emergency crop production, feed, seed, drought, and rehabilitation loans on Aug. 14, 1946, see note set out under section 1001 of title 7, Agriculture.

**§ 639. Governor of Farm Credit Administration; supplementary grant of powers.**

Repeal of authority of Governor of Farm Credit Administration to make loans to farmers under former sections 1020i-1020n, and 1020i of this title, see note set out under section 1001 of title 7, Agriculture.

**§ 641. "Federal Farm Loan Act"; administration.**

Survey of feasibility of making loans to farmers through the Federal Land Bank System, see note set out under section 636 of this title.

Repeal of authority of the Farm Credit Administration to make emergency crop production, feed, seed, drought, and rehabilitation loans on Aug. 14, 1946, see note set out under section 1001 of title 7, Agriculture.

**SUBCHAPTER 1—FEDERAL LAND BANKS, JOINT-STOCK LAND BANKS, AND NATIONAL FARM-LOAN ASSOCIATIONS**

**ORGANIZATION OF FEDERAL LAND BANKS**

**§ 672. Establishment; titles; branches; Puerto Rico and Alaska; loans by branches.**—The Farm Credit Administration shall establish in each farm credit district a Federal land bank, with its principal office located in such city within the district as said administration shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Farm Credit Administration, any Federal land bank may establish branches within the farm credit district. Subject to the approval of the Farm Credit Administration and under such conditions as it may prescribe, the provisions of this subchapter and of subchapter III of this chapter are extended to the island of Puerto Rico and the Territory of Alaska; and the Farm Credit Administration shall designate a Federal land bank which is hereby authorized to establish a branch bank in Puerto Rico and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska. Loans made by each such branch bank shall be subject to the restrictions and provisions of this chapter, except that each such branch bank may loan direct to borrowers, and, subject to such regulations as the Farm Credit Administration may prescribe, the rate charged borrowers may be  $1\frac{1}{2}$  per centum in excess of the rate borne by the last preceding issue of farm loan bonds of the Federal land bank with which such branch bank is connected: *Provided*, That no loan shall be made in Puerto Rico or Alaska by such branch bank for a longer term than twenty years.

Each borrower through such branch bank shall subscribe and pay for stock in the Federal land bank with which it is connected in the sum of \$5 for each \$100 or fraction thereof borrowed; such stock shall be held by such Federal land bank as collateral security for the loan of the borrower; shall participate in all dividends; and upon full payment of the loan shall be canceled at par and proceeds paid to borrower, or the borrower may apply the same to the final payments on his loan. (As amended June 30, 1945, ch. 204, § 3, 59 Stat. 267.)



## AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by omitting “shall not exceed the sum of \$25,000 to any one borrower, and” following “each branch bank” in last sentence of first par.

## SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

## CROSS REFERENCES

Financial control of Federal Land Banks, title 31, Money and Finance.

## NATIONAL FARM-LOAN ASSOCIATIONS GENERALLY

**§ 712. Directors; officers; loan committee.**—The board of directors of every national farm loan association shall consist of not less than five nor more than seven members, who shall be elected by the shareholders of the association. Elections of such directors shall be held once each year at an annual meeting of the shareholders. Every national farm loan association shall at the first annual meeting of its shareholders subsequent to August 19, 1937, elect two directors for a term of three years, two directors for a term of two years, and the remainder of its board of directors for a term of one year. Thereafter directors shall be chosen to serve for terms of three years and the shareholders of each association shall annually elect as many directors as may be necessary to fill the places of those directors whose terms expire during the year. Any vacancy that may occur in the board of directors through death, resignation or other cause shall be filled at the next annual meeting of share holders by the election of a director to serve out the unexpired portion of the term, or a special meeting of shareholders may be called for this purpose. Until such election the remaining directors shall have power to fill the vacancy for the time being by appointing a temporary director to serve until the next meeting of shareholders. All directors shall hold office until their successors are elected and have qualified. It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who shall receive such compensation as said board of directors shall determine. The board of directors shall elect a president, a vice president, and a loan committee of three or more members. The secretary-treasurer shall be eligible for membership on the loan committee. The board of directors may empower (a) the loan committee to elect applicants to membership and (b) any three members of said committee to act as the loan committee in approving loans on behalf of the association and in electing applicants to membership in the association. No action by the loan committee shall be valid where the full committee is acting unless unanimously approved by all members or where any three of its members are acting as herein provided unless approved by all such members. (As amended June 30, 1945, ch. 204, § 1 (a), 59 Stat. 266.)

## AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting between “three” and “members” words “or more” in sentence beginning “The board of directors”, and by adding the last three sentences.



## SAVING CLAUSE

Section 17 of act June 30, 1945, cited to text, provided: "The sections, subsections, paragraphs, and provisos of this Act (sections 672, 745, 751-753, 771, 781, 857, 861, 874, 880, 1016, 1020b, 1020d of this title and section 694 of title 38) are hereby declared to be separable, and if any one or more of the sections, subsections, paragraphs, or provisos of this act, or the application thereof to any person or circumstance, should be held to be unconstitutional or invalid for any other reason, the validity of other sections, subsections, paragraphs, and provisos of this Act, and the application thereof to other persons or circumstances, shall not be affected thereby."

## EFFECTIVE DATE

Section 19 of act June 30, 1945, cited to text, provided: "This act (sections 672, 745, 751-753, 771, 781, 857, 861, 874, 880, 1016, 1020b, 1020d of this title and section 694 of title 38) shall become effective on July 1, 1945."

## NATIONAL FARM-LOAN ASSOCIATIONS; SPECIAL PROVISIONS

**§ 745. New members.**—After a charter has been granted to a national farm loan association, any person who is the owner, or about to become the owner, of farm land qualified under section 771 of this title as the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a member of the association by a majority vote of the directors, or by the loan committee where said committee has been empowered to elect applicants to membership, and upon subscribing for one share of the capital stock of such association for each \$100 of the face of his proposed loan or any major fractional part thereof. He shall at the same time file with the secretary-treasurer his application for a mortgage loan, giving the particulars required by section 771 of this title. As used in this section, the term "person" includes an individual, an incorporated association, and a corporation which is eligible for a loan under section 771 of this title. (As amended June 30, 1945, ch. 204, § 1 (b), 59 Stat. 266.)

## AMENDMENTS

1945—Act of June 30, 1945, cited to text, amended section by inserting after "by a majority vote of the directors" the following " , or by the loan \* \* \* to membership, and" in first sentence.

## SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

## APPRAISAL FOR FARM LOANS

**§ 751. Investigation by loan committee; report by appraiser; report and approval by committee; notification to applicant.**—Whenever an application for a mortgage loan is made to a national farm-loan association, the loan committee provided for in section 712 of this title shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant, and the sufficiency of the security offered. The committee may request a report on the value of the security by a land bank appraiser appointed under the authority of section 656 of this title, in which event such an appraiser shall investigate and make a written report to the association upon the security offered. The committee shall cause written report to be made of the results of such investigation or investigations as it has required to be made and shall, if it concurs in



such report, approve the same in writing. No loan shall be made unless the report of the committee is favorable. After the investigation required in this section has been made, the association has requested and received a report upon the value of the security by a land bank appraiser, and the loan committee has reached an agreement as to the amount and terms of the loan which may be offered to the applicant, if such amount is not in excess of 65 per centum of the normal value of the security offered as determined by said appraiser the secretary-treasurer may notify the applicant of the amount and terms of the loan approved by the loan committee: *Provided*, That any such notice shall contain a statement that the amount and terms of the loan offered to the applicant are subject to and conditioned upon subsequent approval or disapproval by the Federal land bank. (As amended June 30, 1945, ch. 204, § 2, 59 Stat. 266.)

## AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section generally by adding provisions contained in second and fifth sentences.

## SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

**§ 752. Submission of loan application and required reports to land bank; consideration by bank.**—The written report required in section 751 of this title, together with any report made by a land bank appraiser, shall be submitted to the Federal land bank with the application for the loan, and the land bank shall examine said written report when it passes on the loan application which it accompanies, but it shall not be bound by the value placed upon the property by the loan committee. (As amended June 30, 1945, ch. 204, § 2, 59 Stat. 266.)

## AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting after “of this title,” the following “together with any report made by a land bank appraiser,” omitting “directors of said” following “and the”, substituting “it passes” for “they pass”, and by substituting “the value placed upon the property by the loan committee.”, for “said appraisal”.

## SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

**§ 753. Requirement for appraisal of land offered as security before making land bank loan.**—Before any mortgage loan is made by any Federal land bank, or joint-stock land bank, it shall refer the application to one or more of the land bank appraisers appointed under the authority of section 656 of this title, and such appraiser or appraisers shall investigate and make a written report on the security offered for said loan: *Provided*, That if a land bank appraiser has made a report on said security to the national farm-loan association, the Federal land bank need not request an additional report. No such loan shall be made by said land bank unless the written report of the land bank appraiser is favorable. (As amended June 30, 1945, ch. 204, § 2, 59 Stat. 266.)



## AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by omitting “and written report of the loan committee” following “refer the application”, and by adding the proviso to the first sentence.

## SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

## RESTRICTION ON LOANS OF FEDERAL LAND BANKS BASED ON FIRST MORTGAGES

§ 771. **Restrictions enumerated.**—No Federal Land Bank organized under this chapter shall make loans except upon the following terms and conditions:

\* \* \* \* \*

Second. *Agreement for repayment on amortization plan.*—Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan at a rate not exceeding the interest rate in the last series of farm-loan bonds issued by the land bank making the loan; second, a charge for administration and profits at a rate not exceeding, except with the approval of the Governor of the Farm Credit Administration, 1 per centum per annum on the unpaid principal, said two rates combined constituting the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than five years nor more than forty years: *Provided*, That after five years from the date upon which a loan is made the mortgagor may, upon any regular installment date, make in advance any number of payments or any portion thereof on account of the principal of his loan as provided by his contract or pay the entire principal of such loan, under the rules and regulations of the Farm Credit Administration: *And provided further*, That under the rules and regulations of the Farm Credit Administration any land bank may agree, at the time a loan is made or thereafter, that the mortgagor may make such payments or portions of payments in advance or pay the entire principal of such loan during the first five years the loan is in effect: *And provided further*, That before the first issues of farm-loan bonds by any land bank the interest rate on mortgages may be determined in the discretion of said land bank, subject to the provisions and limitations of this subchapter.

\* \* \* \* \*

Fourth. *Purposes of loans enumerated.*—

\* \* \* \* \*

(d) To liquidate indebtedness of the owner of the land mortgaged incurred for agricultural purposes, or incurred at least two years prior to the date of the application for the loan.

\* \* \* \* \*

Fifth. *Limitation on amount of loans; appraisal; reappraisal.*—No such loan shall exceed 65 per centum of the normal value of the farm



mortgaged, said value to be ascertained by appraisal, as provided in sections 751–756 of this title. In making said appraisal the value of the farm for agricultural purposes shall be the basis of appraisal and the normal earning power of said farm shall be a principal factor.

\* \* \* \* \*

Ninth. *Interest on defaulted payments; payment of taxes and liens; insurance.*—Every borrower shall pay simple interest on defaulted payments at a rate not exceeding 6 per centum per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes, liens, judgments, or assessments which may be lawfully assessed against the land mortgaged. Taxes, liens, judgments, or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at a rate not exceeding 6 per centum per annum. Every borrower shall undertake to keep insured to the satisfaction of the Farm Credit Administration all buildings the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgagee as its interest may appear at time of loss, and at the option of the mortgagor and subject to general regulations of the Farm Credit Administration; sums so received may be used to pay for reconstruction of the buildings destroyed.

\* \* \* \* \*

Twelfth. *Reduction of interest on loans and deferment of principal.*—Notwithstanding the provisions of paragraph “Second” of this section, the rate of interest on any loans on mortgage made through national farm loan associations or through agents as provided in sections 801–808 of this chapter, or purchased from joint stock land banks, by any Federal land bank, outstanding on May 12, 1933, or made through national farm loan associations after such date, shall not exceed  $3\frac{1}{2}$  per centum per annum for all interest payable on installment dates occurring within a period of nine years commencing July 1, 1935; and no payment of the principal portion of any installment of any such loan outstanding on June 3, 1935, shall be required prior to July 11, 1938, if the borrower shall not be in default with respect to any other condition or covenant of his mortgage. The foregoing provisions shall apply to loans made by Federal land banks through branches, except that the rates of interest paid for the respective periods above specified shall be one-half of 1 per centum per annum in excess of the rates of interest paid during the corresponding periods by borrowers on mortgage loans made through national farm loan associations. The foregoing provisions shall also apply to interest on so-called purchase-money mortgages and on real estate sales contracts taken by the Federal land banks which is payable on installment dates occurring after June 30, 1942, except that in the case of such mortgages and contracts the rate of interest shall be one-half of 1 per centum per annum in excess of the rate paid by borrowers on mortgage loans made through national farm loan associations. The Secretary of the Treasury shall pay each Federal land bank, as soon as practicable after October 1, 1933, and after the end of each quarter thereafter, such amount as the Land Bank Commissioner certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such bank have been reduced, during the preceding quarter, by reason of this paragraph; but in any case in which the Land Bank Commissioner finds that the



amount of interest payable by such bank during any quarter has been reduced by reason of the refinancing of bonds under section 992 of this chapter, the amount of the reduction so found shall be deducted from the amount payable to such bank under this paragraph. No payments shall be made to a bank with respect to any period after June 30, 1944. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000,000 for the purpose of enabling the Secretary of the Treasury to make payments to Federal land banks which accrue during the fiscal year ending June 30, 1934, and such additional amounts as may be necessary to make payments accruing during subsequent fiscal years. (As amended June 27, 1942, ch. 449, § 1, 56 Stat. 391; June 30, 1945, ch. 204, § 4, 59 Stat. 267.)

#### AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting second proviso in subsec. Second, by striking out “incurred prior to January 1, 1937” and inserting in lieu thereof “incurred at least two years prior to the date of the application for the loan” in subpar. (d) of subsec. Fourth, by substituting “65” for “50”, inserting “normal” preceding “value”, omitting “and 20 per centum of the value of the permanent, insured improvements thereon” following “by appraisal”, by inserting “normal” preceding “earning” in first par. of subsec. Fifth, and by striking out “the rate of 8 per centum per annum” and inserting in lieu thereof “a rate not exceeding 6 per centum per annum” in the first and second sentences of subsec. Ninth.

1942—Act June 27, 1942, cited to text, amended Twelfth subsec. by substituting “seven years” for “five years” in first sentence, by adding third sentence, and by substituting “June 30, 1944” for “June 30, 1942” in fifth sentence.

#### SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

#### POWERS OF FEDERAL LAND BANKS GENERALLY

##### § 781. Enumerated powers.

\*                      \*                      \*                      \*                      \*                      \*

Seventh. *Borrowing money.*—To borrow money severally, or jointly and severally with one or more other Federal land banks, to give security therefor, and to pay interest thereon.

Eighth. *Buying and selling obligations of United States; purchasing notes and mortgages of Federal Mortgage Corporation.*—To buy and sell United States Government obligations direct or fully guaranteed; and to purchase and acquire from the Federal Farm Mortgage Corporation notes and mortgages representing loans made by the Land Bank Commissioner pursuant to section 1016 of this title, upon farm property situated in the farm credit district in which said bank is located, and purchase money mortgages and contracts for the sale of farms held by the Federal Farm Mortgage Corporation in connection with the sale of farm property situated in such district: *Provided*, That no such note and mortgage, purchase-money mortgage, or contract shall be purchased pursuant hereto unless (1) the unpaid balance of the indebtedness represented or secured thereby, together with any indebtedness to the Federal land bank secured by a prior mortgage on the property, does not exceed 65 per centum of the normal value of the farm as determined upon appraisal made pursuant to this subchapter;



(2) the borrower acquires such stock in a national farm loan association, in addition to any available stock which he may already own, as may be necessary to constitute an amount equal to one share of stock for each \$100 of the unpaid balance of the indebtedness represented or secured by the note and mortgage, purchase-money mortgage, or contract being purchased and acquired, together with the indebtedness secured by any prior lien on the property in favor of the Federal land bank; (3) the national farm loan association in which such stock is held elects the borrower to membership, if not already a member, and agrees to be liable for the indebtedness secured by the note and mortgage, purchase-money mortgage, or contract being purchased and acquired; and (4) the land bank takes such action, if any, as may be necessary to reduce the rate of interest on the indebtedness secured by the mortgage, purchase-money mortgage, or contract acquired or purchased to the same rate of interest the bank is charging on first-mortgage loans which it is then making.

\* \* \* \* \*

Nineteenth. *Deferment of installment payments.*—To permit any borrower to defer payment of the principal portions of installments on his loan in order that he may pay, in whole or in part, any indebtedness which is secured by a lien junior to the lien of the bank upon the farm land mortgaged to secure his loan. (As amended June 30, 1945, ch. 204, §§5–7, 59 Stat. 267.)

#### AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting “severally, or jointly and severally with one or more other Federal land banks” following “To borrow money” in subsec. Seventh, striking “bonds and Federal Farm Mortgage Corporation bonds” and inserting in lieu “obligations direct or \* \* \* is then making.”, and by adding subsec. Nineteenth.

#### SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

#### ISSUE OF FARM-LOAN BONDS

**§ 857. Acceptable collateral security.**—Notwithstanding any other provisions of this subchapter to the contrary, on and after July 1, 1945, subject to the approval of the Farm Credit Administration, any Federal land bank may deposit with the farm-loan registrar of the district, and it shall be the duty of said registrar to accept, as collateral security for farm-loan bonds, either originally or by substitution, (a) United States Government obligations direct or fully guaranteed, and (b) notes secured by mortgages or purchase money mortgages on farms, or contracts for the sale of farms; provided any such mortgage, purchase money mortgage, or contract constitutes a first lien on the farm, or its equivalent from a security standpoint as determined by the Farm Credit Administration, and the unpaid balance thereof at the time of acceptance is not in excess of 65 per centum of the normal value of the farm, as determined upon appraisal made pursuant to this subchapter. (As amended June 30, 1945, ch. 204, § 8, 59 Stat. 269.)

#### AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section generally by striking out entire section and inserting present text.



## SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

## FORM OF FARM LOAN BONDS

**§ 861. Amount, denomination, and terms; maturity date; interest rates.**—Bonds provided for in this subchapter shall be issued in such amounts, denominations, and bear such terms as the Farm Credit Administration may authorize; they shall have a specified maturity, but may, in addition, when stated in the bonds, be redeemable, at the option of the land bank, at an earlier specified date or dates. They shall bear a rate of interest not to exceed  $5\frac{1}{2}$  per centum per annum, but no bonds issued or sold after June 30, 1923, shall bear a rate of interest to exceed 5 per centum per annum. (As amended June 30, 1945, ch. 204, § 9, 59 Stat. 268.)

## AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by striking out first two sentences and inserting in lieu thereof “Bonds provided for \* \* \* date or dates.”.

## SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

## SPECIAL PROVISIONS OF FARM LOAN BONDS

**§ 874. Signing and attesting bonds; certificate of Land Bank Commissioner.**—Every farm loan bond issued by a Federal land bank shall be signed by its president or vice president and attested by its secretary or assistant secretary. For the purpose of signing such bonds the board of directors of any Federal land bank is authorized to select a vice president who need not be a member of the board of directors; such bonds shall also contain in the face thereof a certificate signed by the Land Bank Commissioner to the effect that it is issued under the authority of the Federal Farm Loan Act, has the approval in form and issue of the Farm Credit Administration, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security prescribed by this subchapter, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond. (As amended June 30, 1945, ch. 204, § 10 (a), 59 Stat. 268.)

## AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by striking out “of United States Government bonds, or first mortgages on farm lands” and inserting in lieu thereof “prescribed by this subchapter” in second sentence.

## SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

**§ 880. Certificate of Land Bank Commissioner.**—Every farm loan bond issued hereunder shall contain on the face thereof a certificate signed by the Land Bank Commissioner to the effect that it is issued under the authority of Title I of the Federal Farm Loan Act, has the



approval in form and issue of the Farm Credit Administration, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security prescribed by this subchapter, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond. (As amended June 30, 1945, ch. 204, § 10 (b), 59 Stat. 269.)

#### AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by striking out “consisting of obligations of the United States Government, or first mortgages on farm lands” and inserting in lieu thereof “prescribed by this subchapter” following “against collateral security”.

#### SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

### § 1016. Loans to farmers by Land Bank Commissioner; provisions governing.

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(c) **Provisions to be included in mortgage; interest rate; repayment of principal in installments; maximum terms of loans as affected by character of security; privilege of deferring principal payments during first 3 years of loan.**—Every mortgage made under this section shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments, sufficient to cover (1) interest on unpaid principal at a rate of 1 per centum per annum higher than the rate on loans through national farm loan associations made at the same time by the Federal land bank in the farm credit district in which the security for the loan under this section is located: *Provided, however,* That loans guaranteed under sections 694–694e of Title 38 may be made at such lower rate as may be necessary to qualify them for such guaranty and (2) such payments equal in amount to be applied on principal as will extinguish the debt within an agreed period of not more than ten years or, in the case of a first or second mortgage secured wholly by real property within an agreed period no greater than that for which loans may be made under the preceding subchapter, from the date the first payment on principal is due: *Provided,* That when in the judgment of the Land Bank Commissioner conditions justify it, any mortgage made under this section may provide that during the first three years the loan is in effect payments of interest only may be required if the borrower shall not be in default with respect to any other condition or covenant of his mortgage.

(1) **Substitution of Federal land bank loan.**—The instruments under which each loan under this section is made and security given therefor shall provide that if at any time it shall appear to the lender that the borrower may be able to obtain a Federal land bank loan on the mortgaged property, the borrower shall, on request of the lender, apply for a Federal land bank loan to pay off the loan under this section, and shall accept such loan as may be offered to him by the Federal land bank, if sufficient in amount to pay the loan under



this section and pay for any stock which it is necessary for him to purchase in obtaining the loan from the Federal land bank.

\* \* \* \* \*

**(g) Loans by Commissioner on behalf of Federal Farm Mortgage Corporation; loans in cash or bonds; amount available.**—Until July 1, 1947, the Land Bank Commissioner shall, in his name, make loans under this section on behalf of the Federal Farm Mortgage Corporation, and may make such loans in cash or in bonds of the corporation, or if acceptable to the borrower, in consolidated farm loan bonds; but no such loans shall be made by him after July 1, 1947, except for the purpose of refinancing loans previously made by him under this section. As much as may be necessary of the assets of the corporation, including the bonds (and proceeds thereof) issued under section 1020c of this title, may be used for the purposes of this section. (As amended June 30, 1945, ch. 204, §§ 11-13, 59 Stat. 269; July 12, 1946, ch. 570, § 1, 60 Stat. 532.)

\* \* \* \* \*

Subsec. (c) mended by act June 30, 1945, cited to text, which struck out "interest on unpaid principal at a rate not to exceed 5 per centum per annum" and inserted in lieu thereof "interest on unpaid principal \* \* \* for such guaranty" in subd. (1).

Subsec. (c) (1) added by Act June 30, 1945, cited to text.

Subsec. (g) amended by acts June 30, 1945, and July 12, 1946, both cited to text.

Act June 30, 1945, substituted "July 1, 1946" for "July 1, 1945", wherever appearing. Act July 12, 1946, substituted "July 1, 1947" for "July 1, 1946" wherever appearing.

Repeal of authority of the Farm Credit Administration to make emergency crop production, feed, seed, drought, and rehabilitation loans on Aug. 14, 1946, see note set out under section 1001 of title 7, Agriculture.

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

#### FEDERAL FARM MORTGAGE CORPORATION

**§ 1020b. Capital; amount; subscription by United States; repayment by corporation.**—The capital of the corporation shall be in the sum of \$200,000,000, which shall be subscribed by the Governor on behalf of the United States in such amounts and at such times as he deems necessary for the purposes of the corporation. For the purpose of such capital subscription, the funds and proceeds thereof made available to the Land Bank Commissioner under section 1016 of this title and the mortgages taken by the Commissioner and the credit instruments secured thereby are hereby transferred to the corporation. The Federal Farm Mortgage Corporation is authorized to repay to the Secretary of the Treasury on behalf of the United States from time to time such portions of the amounts subscribed to the capital stock of the Corporation as are found by the board of directors to be in excess of the capital necessary to enable the Corporation to carry out its functions as authorized by law. The proceeds of such repayments shall be held in the Treasury of the United States as a fund available for subscription, by the Governor on behalf of the United States with the approval of the Secretary of the Treasury, to the capital of the Corporation when, in the judgment of the directors of the Corporation, additional subscriptions to its



capital are necessary. (As amended June 30, 1945, ch. 204, § 14, 59 Stat. 269; July 12, 1946, ch. 570, § 2, 60 Stat. 532.)

Act July 12, 1946, cited to text, amended last two sentences of section to authorize the return of the \$50,000,000 held by the Corporation, or such portion of it as in excess of the necessary amount to enable the Corporation to carry out its functions, to the Treasury, where it will be held subject to the call of the Governor at any time the directors of the Corporation deem additional subscription to its capital are necessary. Act June 30, 1945, cited to text, amended section by omitting "on or before June 30, 1941" and substituting "\$50,000,000" for "\$100,000,000" in third sentence, and by capitalizing "Corporation" wherever appearing in last sentence.

Saving clause and effective date of amendment by act June, 30, 1945, cited to text, see notes set out under section 712 of this title.

**§ 1020d. Purchase of consolidated farm loan bonds; loans to Federal joint-stock land banks; investment in mortgages; extensions; sale and assignment of notes and mortgages.**—The corporation is further authorized to purchase from time to time, for cash, such consolidated farm loan bonds at such prices and upon such terms as may be approved by the board of directors of the corporation; to make loans to Federal land banks and joint-stock land banks on the security of real estate mortgages, sheriff's certificates, sales contracts and real estate, upon such terms and conditions as shall be prescribed by the board of directors of the corporation: *Provided, however,* That loans outstanding to joint-stock land banks under this section shall not at any one time exceed in the aggregate \$10,000,000; to make loans to Federal land banks on the security of consolidated farm loan bonds; and to invest its funds in mortgage loans made under section 1016 of this title.

When in the judgment of the directors conditions justify it, the corporation shall have power to extend, in whole or in part, any unpaid obligation under the terms of any mortgage, and to accept payment of any such obligation together with interest thereon, at a rate not exceeding 5 per centum per annum, during such period and in such amounts as may be agreed upon at the date of making such extension. The Corporation is authorized and empowered to sell and assign, without recourse and without warranty, its notes and mortgages representing loans made by the Land Bank Commissioner pursuant to section 1016 of this title, to the Federal land bank located in the farm credit district in which the mortgaged farm properties are situated and to sell and assign in like manner purchase money mortgages and contracts for the sale of farms held by the Federal Farm Mortgage Corporation in connection with the sale of farm property situated in such district. (As amended June 30, 1945, ch. 204, § 15, 59 Stat. 269.)

#### AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by adding last sentence.

#### SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

§§ 1020i–1020o. Repealed. Aug. 14, 1946, ch. 964, § 2 (a) (2), 60 Stat. 1062.

#### FEDERAL LOAN AGENCY (New)

\* \* \* \* \*

**§ 1804. Audit of financial transactions of Government corporations; place of audit; access to records; annual report to Congress;**



**scope of report; payment of auditing expenses.**—(a) The financial transactions of all Government corporations shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the respective corporations are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the respective corporations and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The audit shall begin with the current fiscal year.

(b) A report of each such audit for each fiscal year ending on June 30 shall be made by the Comptroller General to the Congress not later than January 15 following the close of the fiscal year for which such audit is made. The report shall set forth the scope of the audit of each corporation and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus, or deficit; a statement of surplus or deficit analysis; a statement of income and expense; and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of the several corporations together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital noted in the audit and recommendations for the return of such Government capital or the payment of such dividends as, in his judgment, should be accomplished. The report shall also show specifically every program, expenditure, or other financial transaction or undertaking, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President and to the corporation concerned at the time submitted to the Congress.

(c) The expenses of auditing the financial transactions of all Government corporations as provided in subsection (a) of this section may be paid out of appropriations to the General Accounting Office and appropriations in such sums as may be necessary are hereby authorized for the purpose: *Provided*, That by agreement between the General Accounting Office and said corporation the expenses of said audit may be paid from funds of such corporation. (Feb. 24, 1945, ch. 4, § 5, 59 Stat. 6.)

#### CROSS REFERENCES

Audit of financial transactions of all Government corporations is now covered by section 866 of Title 31, Money and Finance.

**§ 1805. Employment of auditing personnel; payment of auditing expenses; reimbursement of General Accounting Office; limitation on private audits.**—For the purpose of conducting the audit of all Government corporations as provided by section 1804 of this title, the Comptroller General is authorized in his discretion to employ not more than ten persons without regard to sections 661-663, 664-673 and 674 of Title 5, only one of whom may be compensated at a rate of as



much as but not more than \$10,000 per annum, and to employ by contract, without regard to section 5 of Title 41, professional services of firms and organizations for temporary periods or for special purposes: *Provided*, That the expenses of auditing the financial transactions of all Government corporations by the General Accounting Office shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary are hereby authorized: *Provided further*, That each such corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General, and the General Accounting Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts: *Provided further*, That, unless otherwise expressly provided by law, no funds of any Government corporation shall be used to pay the cost of any private audit of the financial records of the offices of such corporation except the cost of such audits contracted for and undertaken prior to April 25, 1945. (Apr. 25, 1945, ch. 95, title I, 59 Stat. 81.)

## CROSS REFERENCES

Audit of financial transactions of all Government corporations is now covered by section 866 of title 31, Money and Finance.



## TITLE 15—COMMERCE AND TRADE

### Reconstruction Finance Corporation

Sec.	
605k-1.	Repealed.
713.	Commodity Credit Corporation; continuance of existence; functions, ownership; audit; payment of audit expenses; place of audit.
713a.	Same; increase of capital stock.
713a-1.	Same; annual appraisal of assets; restoration of capital impairment.
713a-2.	Same; capital excess; deposit in Treasury for public debt retirement.
713a-3.	Same; transfer to United States of stock held by Secretary of Agriculture; Governor of Farm Credit Administration and Reconstruction Finance Corporation.
713a-4.	Same; obligations of corporation; issuance; sale; purchase; redemption.
713a-5-713a-9.	Same; transfer of functions.
713c	Federal Surplus Commodities Corporation; continuance of existence; purchase and distribution of surplus agricultural commodities.
713c-1	Same; annual report to Congress.

### RECONSTRUCTION FINANCE CORPORATION

#### § 605k-1. Repealed. June 30, 1945, ch. 215, § 1, 59 Stat. 310.

Section amended by act June 10, 1941, ch. 190, § 1, 55 Stat. 248.

Section 3 of act June 30, 1945, ch. 215, 59 Stat. 310, provided that the act should become effective on July 1, 1945.

**§ 713. Commodity Credit Corporation; continuance of existence, functions, and ownership of stock by United States; audit of transactions; payment of audit expenses; place of audit.**—(a) Notwithstanding any other provision of law, Commodity Credit Corporation, a corporation organized under the laws of the State of Delaware as an agency of the United States pursuant to the Executive order of the President of October 16, 1933, shall continue, until the close of business on June 30, 1947, or such earlier date as may be fixed by the President by Executive order, to be an agency of the United States. During the continuance of such agency, the Secretary of Agriculture and the Governor of the Farm Credit Administration are authorized and directed to continue, for the use and benefit of the United States, the present investment in the capital stock of Commodity Credit Corporation, and the corporation is hereby authorized to use all its assets, including capital and net earnings therefrom, and all moneys which have been or may hereafter be allocated to or borrowed by it, in the exercise of its functions as such agency, including the making of loans on agricultural commodities: *Provided, however,* That the Corporation shall at all times maintain complete and accurate books of account and shall determine the procedures to be followed in the transaction of the corporate business.

(b) The financial transactions of the Corporation beginning with the period from July 1, 1944, shall be audited by the General Accounting Office in accordance with the principles applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States: *Provided,* That the Corporation shall continue to have the authority to make final and conclusive settlement and adjustment of any claims



by or against the Corporation or the accounts of its fiscal officers: *Provided further*, That a report of such audit shall be made to the Congress, together with such recommendations as the Comptroller General may deem advisable, and that each such report shall cover a period of one fiscal year: *Provided further*, That a copy of each such report shall be furnished the Secretary of the Treasury and that the findings contained therein shall be considered by the Secretary in appraising the assets and liabilities and determining the net worth of the Corporation under sections 713a—1 and 713a—2 of this title: *Provided, however*, That nothing in this section shall be construed as modifying legislation authorizing the use of funds of the Corporation for administrative expenses and requiring accountability therefor.

(c) The expenses of the audit as provided in this section may be paid up to and including June 30, 1946, from moneys advanced therefor by the Corporation, or from any appropriation or appropriations for the General Accounting Office, and appropriations so used shall be reimbursed promptly by the Corporation as billed by the Comptroller General: *Provided*, That any such advances or reimbursements shall be considered as nonadministrative expenses of the Corporation. For the purpose of such audit the representatives of the General Accounting Office shall have access to all papers, books, files, accounts, financial records, warehouses, and all other things, property, and places belonging to or under the control of or used or employed by the Corporation and shall be afforded full facilities for verifying transactions with the balances in depositaries and with fiscal agents: *Provided further*, That the certified financial reports and schedules of the fiscal agents of the Corporation based on commercial audits in the usual course of business may be accepted by the General Accounting Office in its audit of the financial transactions of the Corporation as final and not subject to further audit verification.

(d) Any examination of the corporate records shall be made at the place or places where such records are normally kept in the transaction of the corporate business, and the Corporation shall retain custody of contracts, vouchers, schedules, or other financial or accounting documents, either original or duplicate, relating to its nonadministrative transactions. (Jan. 31, 1935, ch. 2, § 7, 49 Stat. 4, as amended Jan. 26, 1937, ch. 6, § 2 (a), 50 Stat. 5; Mar. 4, 1939, ch. 5, § 1 (a), 53 Stat. 510; July 1, 1941, ch. 270, § 1, 55 Stat. 498; July 16, 1943, ch. 241, § 1, 57 Stat. 566, eff. June 30, 1943; Dec. 23, 1943, ch. 383, 57 Stat. 643; Feb. 28, 1944, ch. 71, §§ 1, 3, 58 Stat. 105, 106, eff. Feb. 17, 1944; Apr. 12, 1945, ch. 54, § 5, 59 Stat. 51.)

Subsec. (a) amended by act Apr. 12, 1945, cited to text, which substituted "June 30, 1947" for "June 30, 1945".

Act July 16, 1943, cited to text, substituted "December 31, 1943", for "June 30, 1943."

Act Feb. 28, 1944, §§ 1, 3, cited to text, amended section, by substituting "June 30, 1945," for "February 17, 1944," and by making the first par. subsec. (a), striking period at the end and inserting colon in lieu thereof, inserting proviso, and adding subsecs. (b), (c), and (d).

Act Dec. 23, 1943, cited to text, substituted "February 17, 1944" for "December 31, 1943".

Commodity Credit Corporation and its functions and activities, together with its personnel, records, and property were transferred to Department of Agriculture by Reorg. Plan No. I, § 401, effective July 1, 1939, set out in note under section 133t of Title 5, Executive Departments and Government Officers and Employees.



The Commodity Credit Corporation was consolidated with other agencies into the Administration of Food Production and Distribution within Department of Agriculture by Ex. Ord. No. 9322, March 26, 1943, set out in note under section 601 of appendix to Title 50, War.

Appropriation of funds for administrative expenses of corporation during fiscal year 1938 was made in act June 28, 1937, ch. 396, 50 Stat. 347.

**Effective date.**—Amendment of first sentence of section by section 1 of act Feb. 28, 1944, cited to text, was made effective as of Feb. 17, 1944. Further amendment of section by section 3 of act Feb. 28, 1944, cited to text, effective Feb. 28, 1944.

Subsidy payments unaffected by 50 U. S. C. § 902(e).—Act July 25, 1946, ch. 671, § 6, 60 Stat. 671, provided:

“(a) The last paragraph of section 2 (e) of the Emergency Price Control Act of 1942, as amended by the Stabilization Extension Act of 1944 [section 902 (e) of appendix to title 50], shall not apply with respect to operations for the fiscal year ending June 30, 1947, of the Commodity Credit Corporation and the Reconstruction Finance Corporation: *Provided*, That with respect to such corporations and such operations, the making of subsidy payments and buying for resale at a loss shall be limited as follows:

“Payments and purchases may be made with respect to operations for the fiscal year ending June 30, 1947, which involve subsidies and anticipated losses as follows:

“(1) With respect to rubber produced in Latin America and Africa for which commitments were made before January 1, 1946, \$31,000,000.

“(2) With respect to copper, lead, and zinc, in the form of premium price payments, \$100,000,000: *Provided*, That (A) premiums shall be paid on ores mined or removed from mine dumps or tailing piles before July 1, 1947, though shipped and/or processed and marketed subsequently thereto; and that (B) the premium price plan for copper, lead, and zinc shall be extended until June 30, 1947, on terms not less favorable to the producer than heretofore and (i) adjustments shall be made to encourage exploration and development work, (ii) adequate allowances shall be made for depreciation and depletion, and (iii) all classes of premiums shall be noncancelable unless necessary in order to make individual adjustments of income to specific mines.

“(3) With respect to purchases by the Reconstruction Finance Corporation, of such tin ores and concentrates as it deems necessary to insure continued operation of the Texas City tin smelter.

“(4) With respect to noncrop programs, 1946 crop program operations and the 1947 crop program operations relating to sugar, flour, petroleum, petroleum products, and other domestic and imported materials and commodities, \$869,000,000: *Provided*, That the operations authorized under this subparagraph (4) shall be progressively reduced, shall be terminated not later than April 1, 1947, and shall not cost more than \$629,000,000 during the last six months of the calendar year 1946. Operations shall not be carried out under authority of this subparagraph (4) with respect to any commodity for any period occurring after the date of the enactment of this act [July 25, 1946] during which maximum prices on such commodity are not in effect under the Emergency Price Control Act of 1942, as amended [sections 901-922, 923-946 of appendix to title 50], or the Stabilization Act of 1942, as amended [sections 961-971 of appendix to title 50]: *Provided*, That subsidies with respect to petroleum produced from stripper wells shall be continued at not to exceed the existing rates. No subsidy or purchase and sale operation shall be undertaken under authority of this subparagraph (4) with respect to any commodity unless a subsidy or purchase and sale operation with respect to such commodity was in effect on June 29, 1946; and no such operation shall be undertaken under authority of this subparagraph (4) which will increase the rate of subsidy paid or the rate of loss incurred with respect to any commodity above that which would be paid or incurred if the operations in effect on June 29, 1946, had been continued on the same basis.

“(b) When any direct or indirect subsidy to an industry is reduced or terminated, or upon recontrol is not restored or is restored only in part, any maximum price applicable to the product affected shall be correspondingly increased, except in the case of transportation subsidies, differential subsidies to high-cost producers, and premium payments under authority of the Veterans' Emergency Housing Act of 1946 [sections 1821-1833 of Appendix to title 50 and sections 1738, 1739 1743 of title 12].



“(c) Where roll-back subsidies have previously been or presently are in effect, and have been discontinued, or shall hereafter be discontinued, the industries which have received such subsidies shall be permitted to increase their ceiling prices at least an amount equivalent to the amount of the discontinued roll-back subsidy. Such price increase shall become effective either upon discontinuance of the roll-back subsidy or upon passage of this act [July 25, 1946], whichever date is the later. For the purposes of this paragraph, the term ‘roll-back subsidies’ means subsidy payments, or purchases and sales of a commodity at a loss by the Government of the United States (including any Government-owned or controlled corporation), or contracts therefor, which resulted directly or indirectly in the lowering of ceiling prices below the maximum price levels established by the Office of Price Administration prior to the institution of subsidy payments or purchases and sales at a loss, or the execution of the contracts therefor, whichever date is the earlier.

“(d) Nothing in this section shall be construed to affect the provisions of Public Laws 30, 88, 164, and 328 of the Seventy-ninth Congress [sections 713, 713a-1, 713a-4 of this title], or to prevent the use of the sums authorized in such laws to fulfill obligations incurred prior to July 1, 1946, with respect to operations prior to such date.

“(e) Notwithstanding any of the foregoing provisions of this section 6, 1946 and 1947 crop program operations with respect to sugar, may, while maximum prices are in effect with respect to sugar, be continued until such crops are processed and distributed, and the cost of 1946 crop program operations with respect to sugar may be charged to the funds authorized by Public Law 30, Seventy-ninth Congress, as amended by Public Law 328, Seventy-ninth Congress [sections 713, 713a-1, 713a-4 of this title]. For the purpose of this section 6, no subsidy program operation on sugar shall be considered to be a new subsidy: *Provided*, That Commodity Credit Corporation or any other Government agency shall not absorb any increase in the price paid for Cuban sugar over 3.675 cents per pound, raw basis, f. o. b. Cuba, as being paid for such sugar, in Cuba, on June 30, 1946.

“(f) Nothing in this section shall be construed as a limitation upon operations authorized by the Veterans’ Emergency Housing Act of 1946 [sections 1821-1833 of appendix to title 50, and section 1738, 1739 and 1743 of title 12]; and nothing in this act [sections 901, 901a, 902, 906, 925, 963, 966 of appendix to title 50] or in any other Act shall prohibit the establishment of maximum sales prices or maximum rents for housing accommodations for which materials or facilities are allocated, or priorities for delivery thereof issued, under said Veterans’ Emergency Housing Act of 1946 [sections 1821-1833 of appendix to title 50, and sections 1738, 1739 and 1743 of title 12].”

Similar provisions applicable to operations of the Commodity Credit Corporation for the fiscal year ending June 30, 1946, were provided by act April 12, 1945, ch. 54, § 3, 59 Stat. 51, as amended by act Mar. 21, 1946, ch. 106, § 1 (a), 60 Stat. 57.

**Increase in certain subsidy payments.**—Act July 31, 1945, ch. 332, 59 Stat. 506, provided: “That the amount of funds authorized to be expended by Commodity Credit Corporation pursuant to section 3 of the Act of April 12, 1945 (Public, 30, Seventy-ninth Congress) [set out as a note under this section], shall be increased by such amounts as may from time to time be determined by the Secretary of Agriculture as follows: (1) Not to exceed with respect to livestock and livestock products, \$595,000,000, (2) not to exceed with respect to wheat and wheat products, \$190,000,000; and (3) not to exceed with respect to butterfat and butter, \$100,000,000: *Provided*, That the amounts authorized to be expended pursuant to section 1 of the act of June 23, 1945 (Public Law 88, Seventy-ninth Congress) [set out as a note under section 606b of this title], for subsidy payments on meat, butter, and flour shall be reduced correspondingly.”

**Allocation of livestock and poultry feeds.**—Act July 25, 1946, ch. 671, § 15, 60 Stat. 677, eff. until June 30, 1947, provided: “The Secretary of Agriculture, through the Commodity Credit Corporation or otherwise, is authorized to allocate feed which he controls to feeders of livestock and poultry in domestic areas which he may determine to be in an emergency shortage condition with respect to animal and poultry feed.”

**Purchases of wheat prior to April 1, 1947.**—Act July 25, 1946, ch. 671, § 16, 60 Stat. 677, provided:

“(a) In the event producers of wheat are required by an order issued pursuant to the Second War Powers Act, 1942, as amended [sections 631-645a, 721, 1152



of appendix to title 50], to sell all or any part of wheat delivered to an elevator prior to April 1, 1947, the Commodity Credit Corporation shall offer to purchase the wheat so required to be sold at a price determined as follows: The purchase price paid for the wheat shall be the market price at the point of delivery as of any date the producer may elect between the date of delivery and March 31, 1947, inclusive: *Provided, however*, That only one election may be made for each lot of wheat: *And provided further*, That the producer may not elect a date prior to the date on which he mails a written notice to Commodity Credit Corporation of his election. In the event the producer does not notify Commodity Credit Corporation in writing by March 31, 1947, of his election of a date for determining the market price, such date shall be deemed to be March 31, 1947.

“(b) Any producer of wheat who, prior to the date of enactment of this Act [July 25, 1946], has sold any wheat pursuant to the requirements of paragraph (ee) (1) of War Food Order Numbered 144, may, at any time within thirty days after the date of enactment of this Act [July 25, 1946], pay to the Commodity Credit Corporation a sum equal to the amount for which he sold such wheat. Any producer paying any such sum to the Commodity Credit Corporation shall be deemed to have sold and delivered to the Commodity Credit Corporation as of the date he pays such sum a quantity of wheat equal in grade and quality to the quantity sold by him pursuant to such requirements and the purchase price to be paid to him for such wheat shall be determined in the same manner as in the case of a sale of wheat to the Commodity Credit Corporation pursuant to the provisions of subsection (a) of this section.”

**Transfer of functions** under the authority of Ex Ord. No. 9577, June 29, 1945, set out in note under 50 U. S. C. App. § 601, the Secretary of Agriculture, by Memorandum 1118, Aug. 18, 1945, consolidated the administration of the program of the Commodity Credit Corporation in the Production and Marketing Administration. 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 1100, set out in note under section 133y-16 of Title 5, transferred the administration of the program of the Commodity Credit Corporation to the Secretary of Agriculture. The President stated in his letter to Congress that the purpose of this transfer was to permit the Secretary of Agriculture to continue the consolidation already effected in the Production and Marketing Administration.

### **§ 713a. Same; increase of capital stock.**

**Transfer of functions.**—Administration of program of Commodity Credit Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 6. See note under section 713 of this title.

**§ 713a-1. Same; annual appraisal of assets; restoration of capital impairment.**—As of the 30th of June in each year and as soon as possible thereafter, beginning with June 30, 1945, an appraisal of all of the assets and liabilities of the Commodity Credit Corporation for the purpose of determining the net worth of the Commodity Credit Corporation shall be made by the Secretary of the Treasury. The value of assets shall be determined on the basis of the cost of such assets to the Commodity Credit Corporation, or insofar as practicable, the average market price of such assets during the last month of the fiscal year covered by the appraisal, whichever is the lower, and a report of any such appraisal shall be submitted to the President as soon as possible after it has been made. In the event that any such appraisal shall establish that the net worth of the Commodity Credit Corporation is less than \$100,000,000, the Secretary of the Treasury, on behalf of the United States, shall restore the amount of such capital impairment by a contribution to the Commodity Credit Corporation in the amount of such impairment. To enable the Secretary of the Treasury to make such payment to the Commodity Credit Corporation, there is hereby authorized to be appropriated annually, commencing with the fiscal year 1938, out of any money in the Treasury not other-



wise appropriated, an amount equal to any capital impairment found to exist by virtue of any appraisal as provided herein. (As amended July 1, 1941, ch. 270. § 2, 55 Stat. 498; Apr. 12, 1945, ch. 54, § 4, 59 Stat. 51.)

## AMENDMENTS

1945—Act Apr. 12, 1945, cited to text, amended section by substituting “30th of June” for “31st of March”, “June 30, 1945” for “March 31, 1938” in the first sentence, and amending second sentence generally.

**Transfer of functions.**—Administration of program of Commodity Credit Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 6. See note under section 713 of this section.

**§ 713a-2. Same; capital excess; deposit in Treasury for retirement of public debt.**

**Transfer of functions.**—Administration of Commodity Credit Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 6. See note under section 713 of this title.

**§ 713a-3. Same; transfer to United States of stock held by Secretary of Agriculture, Governor of Farm Credit Administration and Reconstruction Finance Corporation.**

**Transfer of functions.**—Administration of program of Commodity Credit Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 6. See note under section 713 of this title.

**§ 713a-4. Same; obligations of corporations; issuance; sale; purchase; redemption; etc.**

## AMENDMENTS

1945—Act Apr. 12, 1945, amended section by substituting “\$4,750,000,000” for “\$3,000,000,000”.

**Transfer of functions.**—Administration of program of Commodity Credit Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 6. See note under section 713 of this title.

**§ 713a-5. Same; exemption of corporation and its obligations from taxation.**

**Transfer of functions.**—Administration of program of Commodity Credit Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 6. See note under section 713 of this title.

**§ 713a-6. Sale of surplus agricultural commodities to foreign governments.**

**Transfer of functions.**—Administration of program of Commodity Credit Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 6. See note under section 713 of this title.

**§ 713a-7. Exchange of surplus agricultural commodities for reserve stocks of strategic materials.**

**Transfer of functions.**—Administration of program of Commodity Credit Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 6. See note under section 713 of this title.



**§ 713a-8 and § 713a-9. Reimbursement of corporation from funds of government agencies for services, losses, operating costs, or commodities purchased.**

**Transfer of functions.**—Administration of program of Commodity Credit Corporation was transferred to Secretary of Agriculture by 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F. R. 7877, 60 Stat. 6. See note under section 713 of this title.

**§ 713c. Federal Surplus Commodities Corporation; continuance of existence; purchase and distribution of surplus agricultural commodities.**—In carrying out the provisions of clause (2) of section 612c of Title 7, as amended, the Secretary of Agriculture may transfer to the Federal Surplus Commodities Corporation, which Corporation is hereby continued, until June 30, 1945, as an agency of the United States under the direction of the Secretary of Agriculture, such funds, appropriated by said section 612c, as may be necessary for the purpose of effectuating said clause (2) of section 612c: *Provided*, That such transferred funds, together with other funds of the Corporation, may be used for purchasing, exchanging, processing, distributing, disposing, transporting, storing, and handling of agricultural commodities and products thereof and inspection costs, commissions, and other incidental costs and expenses, without regard to the provisions of existing law governing the expenditure of public funds and for administrative expenses, including rent, printing and binding, and the employment of persons and means, in the District of Columbia and elsewhere, such employment of persons to be in accordance with the provisions of law applicable to the employment of persons by the Agricultural Adjustment Administration.

In carrying out clause (2) of section 612c, the funds appropriated by said section may be used for the purchase, without regard to the provisions of existing law governing the expenditure of public funds, of agricultural commodities and products thereof, and such commodities, as well as agricultural commodities and products thereof purchased under the preceding paragraph hereof, may be donated for relief purposes. (June 28, 1937, ch. 385, 50 Stat. 323, as amended Feb. 16, 1938, ch. 30, 3 p. m., § 204, 52 Stat. 38; June 27, 1942, ch. 454, 56 Stat. 461.)

Section also set out as note under section 612c of title 7, Agriculture.

Federal Surplus Commodities Corporation and Division of Marketing and Marketing Agreements of Agricultural Adjustment Administration and their functions were consolidated into Surplus Marketing Administration in Department of Agriculture by Reorg. Plan No. III, § 5, eff. June 30, 1940, 5 Fed. Reg. 2108, 54 Stat. 1232, set out in note under section 133t of title 5, Executive Departments and Government Officers and Employees. See also sections 8 and 9 of said plan for provisions relating to transfer of records, property, personnel and funds.

Act June 27, 1942, cited to text, provided for the continuance of the Corporation from June 30, 1942, to June 30, 1945. It read as follows: "The Federal Surplus Commodities Corporation is hereby continued as an agency of the United States, under the direction of the Secretary of Agriculture, until June 30, 1945."

**Transfer of functions.**—Surplus Marketing Administration, including Federal Surplus Commodities Corporation as an agency of Department of Agriculture, consolidated with other agencies into Agricultural Marketing Administration for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to title 50, War.

Functions of Federal Surplus Commodities Corporation and Agricultural Adjustment Administration were transferred to Secretary of Agriculture by 1946



Reorg. Plan No. 3, § 501, 11 F. R. 7877, 60 Stat. 6. See notes under sections 612a and 610, respectively, of Title 7.

**Cross references.**—Financial control of Federal Surplus Commodities Corporation, see chapter 14 of title 31, Money and Finance.

**§ 713c-1. Same; annual report to Congress.**

Federal Surplus Commodities Corporation transfer of functions, see note to section 713c of this title.

**Transfer of functions.**—Functions of Federal Surplus Commodities Corporation transferred, see note under section 612a of title 7.



## TITLE 16—CONSERVATION

### Forest Protection; Forest Service; Reforestation

Sec.

- 571a. Same; maximum allowance on construction costs.
- 571b. Same; maximum allowance for building improvements.
- 579. Purchase of improvements in lieu of construction.

### Soil Conservation

- 590e. Soil Conservation Service; establishment; utilization and transfer of existing governmental agencies.
- 590e-1. Same; limitation on cost of construction, purchase, or improvement of buildings.
- 590h. Payments and grants of aid.

### FOREST PROTECTION; FOREST SERVICE; REFORESTATION

**§ 571a. Same; maximum allowance on construction costs.**—The cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed \$10,000, with the exception that any building erected, purchased, or acquired, the cost of which was \$10,000 or more, may be improved out of the appropriations made under this Act for the Forest Service by an amount not to exceed 2 per centum of the cost of such building as certified by the Secretary. (As amended July 1, 1941, ch. 267, § 1, 55 Stat. 421; July 22, 1942, ch. 516, § 1, 56 Stat. 679; July 12, 1943, ch. 215, § 1, 57 Stat. 411; June 28, 1944, ch. 296, § 1, 58 Stat. 442; May 5, 1945, ch. 109, § 1, 59 Stat. 149; June 22, 1946, ch. 445, § 1, 60 Stat. 283.)

### REFERENCES IN TEXT

Words "this Act" refer to the Department of Agriculture Appropriation Act, 1945, act May 5, 1945, ch. 109, § 1, 59 Stat. 149.

### AMENDMENTS

1945—Act May 5, 1945, cited to text, amended section by increasing the cost limitation from \$7,500 to \$10,000. Act of July 12, 1943, cited to text, substituted "Secretary" for "Secretary of Agriculture".

**§ 571b. Same; maximum allowance for building improvements.**—Any building erected, purchased, or acquired, the cost of which was \$10,000 or more, may be improved within any fiscal year by an amount not to exceed 2 per centum of the cost of such building as certified by the Secretary. (May 5, 1945, ch. 109, § 1, 59 Stat. 152; June 22, 1946, ch. 445, § 1, 60 Stat. 286.)

**§ 579. Purchase of improvements in lieu of construction.**

Repeated in act May 5, 1945, ch. 109, § 1, 59 Stat. 150; June 22, 1946, ch. 445, § 1, 60 Stat. 284.



SOIL CONSERVATION

**§ 590e. Soil Conservation Service; establishment; utilization and transfer of existing governmental agencies.**

TRANSFER OF FUNCTIONS

Soil Conservation Service consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Executive Order No. 9069, set out in note under section 601 of appendix to title 50, War.

**§ 590e-1. Same; limitation on cost of construction, purchase, or improvement of buildings.**

Repeated in act May 5, 1945, ch. 109, § 1, 59 Stat. 156; June 22, 1946, ch. 445, § 1, 60 Stat. 287.

**§ 590h. Payments and grants of aid.**

Subsec. (a) amended by act July 25, 1946. Said act substituted "January 1, 1949" for "January 1, 1947" wherever appearing and "December 31, 1948" for "December 31, 1946". July 25, 1946, ch. 642, 60 Stat. 663.



## TITLE 18—CRIMINAL CODE AND CRIMINAL PROCEDURE

### OFFENSES AGAINST PUBLIC JUSTICE

**§ 241a. (Criminal Code, section 135a.) Protection of party or witness appearing before the agencies of United States.**—Whoever corruptly, or by threats or force, or by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any party or witness in any proceeding pending before any department, independent establishment, board, commission, or other agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress of the United States, or who shall injure any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein, or who corruptly or by threats or force, or by any threatening letter or communication shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department, independent establishment, board, commission, or other agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years or both. (As amended June 8, 1945, ch. 178, § 2, 59 Stat. 234.)

#### AMENDMENTS

1945—Act June 8, 1945, cited to text, amended section by inserting “party or” following “or impede any”, “or who shall \* \* \* matter pending therein,” following “of the United States,” and by increasing the penalty provisions from a fine of \$1,000 to \$5,000 and the length of imprisonment from 1 year to 5 years.

**§ 242. (Criminal Code, section 136.) Conspiring to intimidate party, witness, or juror.**—If two or more persons conspire to violate any provision of sections 241 or 241a of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished in like manner as provided by sections 241 and 241a of this title. (As amended June 8, 1945, ch. 178, § 3, 69 Stat. 234.)

#### AMENDMENTS

1945—Act June 8, 1945, cited to text, amended section generally by making fine and imprisonment correspond to those of sections 241 and 241a of this title.



## TITLE 21—FOODS AND DRUGS

### Animals, Meats, and Meat and Dairy Products—Prevention of Introduction and Spread of Contagion

Sec.

129. Payment for animals purchased; computation of value, and amount paid.
133. Establishment of international animal quarantine station on Swan island; entry of animals from any country; importation into United States.

### Domestic Control of Production and Distribution of the Opium Poppy (New)

- 188j. Enforcement of provisions by Secretary of Treasury; assistance from federal agencies.

## ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

### PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

**§ 129. Payment for animals purchased; computation of value, and amount paid.**—In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, which, in the opinion of the Secretary, threatens the livestock or the poultry industry of the country, he may expend in the city of Washington or elsewhere any unexpended balances of appropriations heretofore made for this purpose, not to exceed \$305,000, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction of animals (including poultry) affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for such animals hereafter purchased may be made on appraisement based on the meat, egg-production, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any such animal shall exceed three times its meat, egg-production, or dairy value, and, except in case of extraordinary emergency, to be determined by the Secretary, the payment by the United States Government for any such animals shall not exceed one-half of any such appraisements: *Provided further*, That poultry may be appraised in groups when the basis for appraisal is the same for each bird. (As amended May 11, 1926, ch. 286, 44 Stat. 529; Jan. 18, 1927, ch. 39, 44 Stat. 1005; May 16, 1928, ch. 572, 45 Stat. 548; Feb. 16, 1929, ch. 227, 45 Stat. 1198; May 27, 1930, ch. 341, 46 Stat. 403; Feb. 23, 1931, ch. 278, 46 Stat. 1252; July 7, 1932, ch. 443, 47 Stat. 620; Mar. 3, 1933, ch. 203, 47 Stat. 1442; Mar. 26, 1934, ch. 89, 48 Stat. 477; May 17, 1935, ch. 131, title I, § 1, 49 Stat. 257; June 4, 1936, ch. 489, 49 Stat. 1432; June 29, 1937, ch. 404, 50 Stat. 406; June 16, 1938, ch. 464, title I, 52 Stat. 722; June 30, 1939, ch. 253, title I, 53 Stat. 951; June 25, 1940,



ch. 421, § 1, 54 Stat. 542; July 1, 1941, ch. 267, § 1, 55 Stat. 418; July 22, 1942, ch. 516, § 1, 56 Stat. 676; July 12, 1943, ch. 215, § 1, 57 Stat. 403; June 28, 1944, ch. 296, § 1, 58 Stat. 434; May 5, 1945, ch. 109, § 1, 59 Stat. 144; June 22, 1946, ch. 445, § 1, 60 Stat. 278.)

Act of June 22, 1946, cited to text, amended section by omitting proviso relating to the eradication of the European fowl pest and substituting a proviso relating to appraisal of poultry in groups.

Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of Agriculture."

#### PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

**§ 133. Establishment of international animal quarantine station on Swan Island; entry of animals from any country; importation into United States.**—The Secretary of Agriculture is authorized, in his discretion, to establish and maintain on Swan Island, either independently or in cooperation with other American Republics and with breeders' organizations and similar organizations and individuals within the United States, an international animal quarantine station, including the acquisition of sites by lease or otherwise, and the construction of temporary building, improvements, and other facilities on such sites, and notwithstanding the provisions of any other law but subject to regulations prescribed under this section by the Secretary of Agriculture to prevent the introduction into the United States of communicable diseases of animals, animals may be brought into said quarantine station from any country, including but not limited to those countries in which the Secretary of Agriculture determines that rinderpest and foot-and-mouth disease exist, and may be subsequently imported into other parts of the United States under said regulations. (July 24, 1946, ch. 592, 60 Stat. 633.)

#### DOMESTIC CONTROL OF PRODUCTION AND DISTRIBUTION OF THE OPIUM POPPY (NEW)

**§ 188j. Enforcement of provisions by Secretary of the Treasury; assistance from federal agencies.**

\*                      \*                      \*                      \*                      \*                      \*

(b) It shall be the duty of the other departments, bureaus, and independent establishments, and particularly the Bureau of Plant Industry in the Department of Agriculture, when requested by the Secretary of the Treasury, to furnish such assistance, including technical advice, as will aid in carrying out the purposes of sections 188-188n of this title. (Dec. 11, 1942, ch. 720, § 11, 56 Stat. 1048.)



## TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

### Foreign Wars, War Materials and Neutrality, War Materials

Sec.

412. Same; procurement for and transfer of defense articles to other countries; repairs; etc.; limitation on amount; termination of powers; etc.
415. Same; appropriations; disposition of repayments.

#### FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY WAR MATERIALS

**§ 412. Same; procurement for and transfer of defense articles to other countries; repairs, etc.; limitation on amount; termination of powers; naval convoys; combat area navigation.**—(a) Notwithstanding the provisions of any other law, the President may, from time to time, when he deems it in the interest of national defense, authorize the Secretary of War, the Secretary of the Navy, or the head of any other department or agency of the Government—

(1) To manufacture in arsenals, factories, and shipyards under their jurisdiction, or otherwise procure, to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both, any defense article for the government of any country whose defense the President deems vital to the defense of the United States.

(2) To sell, transfer title to, exchange, lease, lend, or otherwise dispose of, to any such government any defense article, but no defense article not manufactured or procured under paragraph (1) shall in any way be disposed of under this paragraph, except after consultation with the Chief of Staff of the Army or the Chief of Naval Operations of the Navy, or both. The value of defense articles disposed of in any way under authority of this paragraph, and procured from funds heretofore appropriated, shall not exceed \$1,300,000,000. The value of such defense articles shall be determined by the head of the department or agency concerned or such other department, agency or officer as shall be designated in the manner provided in the rules and regulations issued hereunder. Defense articles procured from funds hereafter appropriated to any department or agency of the Government, other than from funds authorized to be appropriated under sections 411–419 of this title, shall not be disposed of in any way under authority of this paragraph except to the extent hereafter authorized by the Congress in the Acts appropriating such funds or otherwise.

(3) To test, inspect, prove, repair, outfit, recondition, or otherwise to place in good working order, to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both, any defense article for any such government, or to procure any or all such services by private contract.

(4) To communicate to any such government any defense information, pertaining to any defense article furnished to such government under paragraph (2) of this subsection.

(5) To release for export any defense article disposed of in any way under this subsection to any such government.



(b) The terms and conditions upon which any such foreign government receives any aid authorized under subsection (a) shall be those which the President deems satisfactory, and the benefit to the United States may be payment or repayment in kind or property, or any other direct or indirect benefit which the President deems satisfactory: *Provided, however,* That nothing in this paragraph shall be construed to authorize the President to assume or incur any obligations on the part of the United States with respect to post-war economic policy, post-war military policy or any post-war policy involving international relations except in accordance with established constitutional procedure.

(c) After June 30, 1946, or after the passage of a concurrent resolution by the two Houses before June 30, 1946, which declares that the powers conferred by or pursuant to subsection (a) are no longer necessary to promote the defense of the United States, neither the President nor the head of any department or agency shall exercise any of the powers conferred by or pursuant to subsection (a); except that until July 1, 1949, any of such powers may be exercised to the extent necessary to carry out a contract or agreement with such a foreign government made before July 1, 1946, or before the passage of such concurrent resolution, whichever is the earlier; *Provided, however,* That nothing in this subsection shall be construed to authorize the President to enter into or carry out any contract or agreement with a foreign government for postwar relief, postwar rehabilitation or postwar reconstruction; except that a contract or agreement entered into in accordance with sections 411-419 of this title in which the United States undertakes to furnish to a foreign government defense articles, services, or information for use in the prosecution of the present war and which provides for the disposition, on terms and conditions of sale prescribed by the President, of any such defense articles, services, or information after the President determines they are no longer necessary for use by such government in promoting the defense of the United States shall not be deemed to be for postwar relief, postwar rehabilitation or postwar reconstruction.

(d) Nothing in sections 411-419 of this title shall be construed to authorize or to permit the authorization of convoying vessels by naval vessels of the United States.

(e) Nothing in sections 411-419 of this title shall be construed to authorize or to permit the authorization of the entry of any American vessel into a combat area in violation of section 443 of this title. (Mar. 11, 1941, ch. 11, § 3, 55 Stat. 31, as amended Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, §§ 1, 2, 58 Stat. 222, 223; Apr. 16, 1945, ch. 61, §§ 1, 2, 59 Stat. 52.)

#### AMENDMENTS

1945—Subsec. (c) amended by act Apr. 16, 1945, cited to text, which substituted "June 30, 1946," for "June 30, 1945," wherever appearing, "July 1, 1949," for "July 1, 1948," "July 1, 1946" for "July 1, 1945," and added proviso.

### § 415. Same; appropriations; disposition of repayments.

#### AMENDMENTS

1945—Subsec. (b) amended by act Apr. 16, 1945, cited to text, which substituted "June 30, 1949" for "June 30, 1948."



## **TITLE 26—INTERNAL REVENUE CODE**

### **Income Tax, Collection of Income Tax at Source of Wages**

Sec.

- 1621. Definitions.
- 1622. Income tax collected at source.
- 1625. Receipts.
- 1626. Penalties.

#### **Adulterated and Process or Renovated Butter**

- 2325. Inspection of process or renovated butter.
- 2326. Penalties.
- 2327. Other laws applicable.

#### **Import Taxes**

- 3443. Credits and refunds—exemptions.

#### **Telegraph, Telephone, Radio, and Cable Facilities**

- 3466. Exemption from tax.

#### **Transportation of Property**

- 3475. Exemption of Government transportation.

#### **Sugar**

- 3508. Termination of taxes.

### **INCOME TAX—COLLECTION OF INCOME TAX AT SOURCE ON WAGES**

**§ 1621. Definitions.**—As used in this subchapter.

(a) **Wages.**—The term “wages” means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid—

(1) for services performed as a member of the military or naval forces of the United States, other than pensions and retired pay includible in gross income under chapter 1, or

(2) for agricultural labor (as defined in section 1426(h)), or

(3) for domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, or

(4) for casual labor not in the course of the employer’s trade or business, or

(5) for services by a citizen or resident of the United States for a foreign government or an international organization or for the government of the Commonwealth of the Philippines, or

(6) for services performed by a nonresident alien individual, other than a resident of a contiguous country who enters and leaves the United States at frequent intervals, or



(7) for such services, performed by a non-resident alien individual who is a resident of a contiguous country and who enters and leaves the United States at frequent intervals, as may be designated by regulations prescribed by the Commissioner with the approval of the Secretary, or

(8) for services for an employer performed by a citizen or resident of the United States while outside the United States (as defined in section 3797 (a) (9)) if the major part of the services for such employer during the calendar year is to be performed outside the United States, or

(9) for services performed as a minister of the gospel.

For the purpose of paragraph (8) services performed on or in connection with an American vessel (as defined in section 1426 (g)) under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, or on or in connection with any vessel as an employee of the United States employed through the War Shipping Administration, shall not constitute services performed outside the United States.

**(b) Pay-roll period.**—The term “pay-roll period” means a period for which a payment of wages is ordinarily made to the employee by his employer, and the term “miscellaneous pay-roll period” means a pay-roll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

**(c) Employee.**—The term “employee” includes an officer, employee, or elected official of the United States, a State, Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term “employee” also includes an officer of a corporation.

**(d) Employer.**—The term “employer” means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that—

(1) if the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term “employer” (except for the purposes of subsection (a)) means the person having control of the payment of such wages; and

(2) in the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term “employer” (except for the purposes of subsection (a)) means such person.

**(e) Number of withholding exemptions claimed.**—The term “number of withholding exemptions claimed” means the number of withholding exemptions claimed in a withholding exemption certificate in effect under section 1622 (h), except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126; amended May 29, 1944, 7 p. m., E. W. T., ch. 210, part II, § 22 (a), 58 Stat. 247; Dec. 29, 1945, ch. 652, title I, § 4 (e), 59 Stat. 671.)



AMENDMENTS

1945—Subsec. (a) (5) amended by act Dec. 29, 1945, cited to text, which inserted “or an international organization” following “foreign government”.  
1944—Subsecs. (e)–(k) struck out by act May 29, 1944, cited to text, and a new subsec. (e) inserted in lieu thereof.

EFFECTIVE DATE

Amendment of section by act May 29, 1944, § 22 (a), cited to text, was made applicable only with respect to wages paid on or after Jan. 1, 1945, by section 21 thereof.  
Section, prior to May 29, 1944, amendment, as effective July 1, 1943, see note preceding this section.

**§ 1622. Income tax collected at source—(a) Requirement of withholding.**—Every employer making payment of wages shall deduct and withhold upon such wages a tax equal to the sum of the following:

(1) 17 per centum of whichever of the following is the lesser:

(A) the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b) (1); or

(B) the amount shown in the last column in the table in subsection (b) (1);

(2) 19 per centum of the amount by which the wages exceed the sum of:

(A) the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b) (1); plus

(B) the amount shown in the last column in the table in subsection (b) (1).

**(b) (1) The table referred to in subsection (a) is as follows:**

Percentage Method Withholding Table

Payroll period	Amount of one with- holding exemption	Maximum amount subject to 17 per centum rate
Weekly.....	\$11. 00	\$44. 00
Biweekly.....	22. 00	88. 00
Semimonthly.....	23. 00	92. 00
Monthly.....	46. 00	184. 00
Quarterly.....	139. 00	556. 00
Semiannual.....	278. 00	1, 112. 00
Annual.....	556. 00	2, 224. 00
Daily or miscellaneous (per day of such period).....	1. 50	6. 00

\* \* \* \* \*

**(c) Wage bracket withholding.**—(1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with the following tables, which shall be in lieu of the tax required to be deducted and withheld under subsection (a) :







If the pay-roll period with respect to an employee is weekly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
\$105-----	\$110-----	\$19. 50	\$17. 50	\$15. 50	\$13. 50	\$11. 40	\$9. 40	\$7. 40	\$5. 60	\$3. 80	\$1. 90	\$0. 10
\$110-----	\$115-----	20. 40	18. 40	16. 40	14. 40	12. 40	10. 40	8. 40	6. 40	4. 60	2. 80	1. 00
\$115-----	\$120-----	21. 40	19. 40	17. 30	15. 30	13. 30	11. 30	9. 30	7. 30	5. 50	3. 70	1. 80
\$120-----	\$125-----	22. 30	20. 30	18. 30	16. 30	14. 30	12. 30	10. 30	8. 20	6. 30	4. 50	2. 70
\$125-----	\$130-----	23. 20	21. 20	19. 20	17. 20	15. 20	13. 20	11. 20	9. 20	7. 20	5. 40	3. 50
\$130-----	\$135-----	24. 20	22. 20	20. 20	18. 20	16. 20	14. 10	12. 10	10. 10	8. 10	6. 20	4. 40
\$135-----	\$140-----	25. 10	23. 10	21. 10	19. 10	17. 10	15. 10	13. 10	11. 10	9. 10	7. 10	5. 20
\$140-----	\$145-----	26. 10	24. 10	22. 00	20. 00	18. 00	16. 00	14. 00	12. 00	10. 00	8. 00	6. 10
\$145-----	\$150-----	27. 00	25. 00	23. 00	21. 00	19. 00	17. 00	15. 00	12. 90	10. 90	8. 90	7. 00
\$150-----	\$160-----	28. 40	26. 40	24. 40	22. 40	20. 40	18. 40	16. 40	14. 40	12. 30	10. 30	8. 30
\$160-----	\$170-----	30. 30	28. 30	26. 30	24. 30	22. 30	20. 30	18. 20	16. 20	14. 20	12. 20	10. 20
\$170-----	\$180-----	32. 20	30. 20	28. 20	26. 20	24. 10	22. 10	20. 10	18. 10	16. 10	14. 10	12. 10
\$180-----	\$190-----	34. 10	32. 10	30. 00	28. 00	26. 00	24. 00	22. 00	20. 00	18. 00	16. 00	14. 00
\$190-----	\$200-----	35. 90	33. 90	31. 90	29. 90	27. 90	25. 90	23. 90	21. 90	19. 90	17. 90	15. 80
		19 percent of the excess over \$200 plus—										
\$200 and over-----		36. 90	34. 90	32. 90	30. 90	28. 80	26. 80	24. 80	22. 80	20. 80	18. 80	16. 80

If the pay-roll period with respect to an employee is biweekly

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
\$0-----	\$20-----	17% of wages	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$20-----	\$22-----	\$3. 60	0	0	0	0	0	0	0	0	0	0
\$22-----	\$24-----	3. 90	. 30	0	0	0	0	0	0	0	0	0
\$24-----	\$26-----	4. 30	. 60	0	0	0	0	0	0	0	0	0
\$26-----	\$28-----	4. 60	1. 00	0	0	0	0	0	0	0	0	0
\$28-----	\$30-----	5. 00	1. 30	0	0	0	0	0	0	0	0	0
\$30-----	\$32-----	5. 30	1. 60	0	0	0	0	0	0	0	0	0
\$32-----	\$34-----	5. 60	2. 00	0	0	0	0	0	0	0	0	0
\$34-----	\$36-----	6. 00	2. 30	0	0	0	0	0	0	3	0	0
\$36-----	\$38-----	6. 30	2. 70	0	0	0	0	0	0	0	0	0
\$38-----	\$40-----	6. 70	3. 00	0	0	0	0	0	0	0	0	0
\$40-----	\$42-----	7. 00	3. 40	0	0	0	0	0	0	0	0	0
\$42-----	\$44-----	7. 40	3. 70	0	0	0	0	0	0	0	0	0
\$44-----	\$46-----	7. 70	4. 00	. 40	0	0	0	0	0	0	0	0
\$46-----	\$48-----	8. 00	4. 40	. 70	0	0	0	0	0	0	0	0
\$48-----	\$50-----	8. 40	4. 70	1. 10	0	0	0	0	0	0	0	0
\$50-----	\$52-----	8. 70	5. 10	1. 40	0	0	0	0	0	0	0	0
\$52-----	\$54-----	9. 10	5. 40	1. 80	0	0	0	0	0	0	0	0
\$54-----	\$56-----	9. 40	5. 80	2. 10	0	0	0	0	0	0	0	0
\$56-----	\$58-----	9. 70	6. 10	2. 40	0	0	0	0	0	0	0	0
\$58-----	\$60-----	10. 10	6. 40	2. 80	0	0	0	0	0	0	0	0
\$60-----	\$62-----	10. 40	6. 80	3. 10	0	0	0	0	0	0	0	0
\$62-----	\$64-----	10. 80	7. 10	3. 50	0	0	0	0	0	0	0	0
\$64-----	\$66-----	11. 10	7. 50	3. 80	. 20	0	0	0	0	0	0	0
\$66-----	\$68-----	11. 50	7. 80	4. 10	. 50	0	0	0	0	0	0	0
\$68-----	\$70-----	11. 80	8. 10	4. 50	. 80	0	0	0	0	0	0	0
\$70-----	\$72-----	12. 10	8. 50	4. 80	1. 20	0	0	0	0	0	0	0
\$72-----	\$74-----	12. 50	8. 80	5. 20	1. 50	0	0	0	0	0	0	0
\$74-----	\$76-----	12. 80	9. 20	5. 50	1. 90	0	0	0	0	0	0	0
\$76-----	\$78-----	13. 20	9. 50	5. 90	2. 20	0	0	0	0	0	0	0
\$78-----	\$80-----	13. 50	9. 90	6. 20	2. 50	0	0	0	0	0	0	0
\$80-----	\$82-----	13. 90	10. 20	6. 50	2. 90	0	0	0	0	0	0	0
\$82-----	\$84-----	14. 20	10. 50	6. 90	3. 20	0	0	0	0	0	0	0
\$84-----	\$86-----	14. 50	10. 90	7. 20	3. 60	0	0	0	0	0	0	0
\$86-----	\$88-----	14. 90	11. 20	7. 60	3. 90	. 30	0	0	0	0	0	0



If the pay-roll period with respect to an employee is biweekly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
\$88-----	\$90-----	\$15.30	\$11.60	\$7.90	\$4.30	\$0.60	\$0	\$0	\$0	\$0	\$0	\$0
\$90-----	\$92-----	15.60	11.90	8.30	4.60	.90	0	0	0	0	0	0
\$92-----	\$94-----	16.00	12.20	8.60	4.90	1.30	0	0	0	0	0	0
\$94-----	\$96-----	16.40	12.60	8.90	5.30	1.60	0	0	0	0	0	0
\$96-----	\$98-----	16.80	12.90	9.30	5.60	2.00	0	0	0	0	0	0
\$98-----	\$100-----	17.20	13.30	9.60	6.00	2.30	0	0	0	0	0	0
\$100-----	\$102-----	17.50	13.60	10.00	6.30	2.70	0	0	0	0	0	0
\$102-----	\$104-----	17.90	14.00	10.30	6.70	3.00	0	0	0	0	0	0
\$104-----	\$106-----	18.30	14.30	10.60	7.00	3.30	0	0	0	0	0	0
\$106-----	\$108-----	18.70	14.60	11.00	7.30	3.70	0	0	0	0	0	0
\$108-----	\$110-----	19.00	15.00	11.30	7.70	4.00	.40	0	0	0	0	0
\$110-----	\$112-----	19.40	15.40	11.70	8.00	4.40	.70	0	0	0	0	0
\$112-----	\$114-----	19.80	15.80	12.00	8.40	4.70	1.10	0	0	0	0	0
\$114-----	\$116-----	20.20	16.20	12.40	8.70	5.00	1.40	0	0	0	0	0
\$116-----	\$118-----	20.50	16.50	12.70	9.00	5.40	1.70	0	0	0	0	0
\$118-----	\$120-----	20.90	16.90	13.00	9.40	5.70	2.10	0	0	0	0	0
\$120-----	\$124-----	21.50	17.50	13.60	9.90	6.20	2.60	0	0	0	0	0
\$124-----	\$128-----	22.20	18.20	14.20	10.60	6.90	3.30	0	0	0	0	0
\$128-----	\$132-----	23.00	19.00	15.00	11.30	7.60	4.00	.30	0	0	0	0
\$132-----	\$136-----	23.70	19.70	15.70	12.00	8.30	4.60	1.00	0	0	0	0
\$136-----	\$140-----	24.50	20.50	16.50	12.60	9.00	5.30	1.70	0	0	0	0
\$140-----	\$144-----	25.20	21.20	17.20	13.30	9.70	6.00	2.40	0	0	0	0
\$144-----	\$148-----	26.00	22.00	18.00	14.00	10.40	6.70	3.00	0	0	0	0
\$148-----	\$152-----	26.80	22.70	18.70	14.70	11.00	7.40	3.70	.10	0	0	0
\$152-----	\$156-----	27.50	23.50	19.50	15.40	11.70	8.10	4.40	.80	0	0	0
\$156-----	\$160-----	28.30	24.20	20.20	16.20	12.40	8.70	5.10	1.40	0	0	0
\$160-----	\$164-----	29.00	25.00	21.00	16.90	13.10	9.40	5.80	2.10	0	0	0
\$164-----	\$168-----	29.80	25.70	21.70	17.70	13.80	10.10	6.50	2.80	0	0	0
\$168-----	\$172-----	30.50	26.50	22.50	18.40	14.50	10.80	7.10	3.50	0	0	0
\$172-----	\$176-----	31.30	27.20	23.20	19.20	15.20	11.50	7.80	4.20	.50	0	0
\$176-----	\$180-----	32.00	28.00	24.00	20.00	15.90	12.20	8.50	4.90	1.20	0	0
\$180-----	\$184-----	32.80	28.70	24.70	20.70	16.70	12.90	9.20	5.50	1.90	0	0
\$184-----	\$188-----	33.50	29.50	25.50	21.50	17.40	13.50	9.90	6.20	2.60	0	0
\$188-----	\$192-----	34.30	30.30	26.20	22.20	18.20	14.20	10.60	6.90	3.30	0	0
\$192-----	\$196-----	35.00	31.00	27.00	23.00	19.00	14.90	11.30	7.60	3.90	.30	0
\$196-----	\$200-----	35.80	31.80	27.70	23.70	19.70	15.70	11.90	8.30	4.60	1.00	0
\$200-----	\$210-----	37.10	33.10	29.10	25.00	21.00	17.00	13.10	9.50	5.80	2.20	0
\$210-----	\$220-----	39.00	35.00	30.90	26.90	22.90	18.90	14.90	11.20	7.50	3.90	.20
\$220-----	\$230-----	40.90	36.80	32.80	28.80	24.80	20.80	16.70	12.90	9.20	5.60	1.90
\$230-----	\$240-----	42.70	38.70	34.70	30.70	26.70	22.60	18.60	14.60	11.00	7.30	3.60
\$240-----	\$250-----	44.60	40.60	36.60	32.60	28.50	24.50	20.50	16.50	12.70	9.00	5.40
\$250-----	\$260-----	46.50	42.50	38.50	34.40	30.40	26.40	22.40	18.40	14.40	10.70	7.10
\$260-----	\$270-----	48.40	44.40	40.30	36.30	32.30	28.30	24.30	20.20	16.20	12.40	8.80
\$270-----	\$280-----	50.30	46.20	42.20	38.20	34.20	30.20	26.10	22.10	18.10	14.10	10.50
\$280-----	\$290-----	52.10	48.10	44.10	40.10	36.10	32.00	28.00	24.00	20.00	16.00	12.20
\$290-----	\$300-----	54.00	50.00	46.00	42.00	37.90	33.90	29.90	25.90	21.90	17.90	13.90
\$300-----	\$320-----	56.80	52.80	48.80	44.80	40.80	36.70	32.70	28.70	24.70	20.70	16.70
\$320-----	\$340-----	60.60	56.60	52.60	48.50	44.50	40.50	36.50	32.50	28.50	24.40	20.40
\$340-----	\$360-----	64.40	60.40	56.30	52.30	48.30	44.30	40.30	36.20	32.20	28.20	24.20
\$360-----	\$380-----	68.10	64.10	60.10	56.10	52.10	48.00	44.00	40.00	36.00	32.00	27.90
\$380-----	\$400-----	71.90	67.90	63.90	59.80	55.80	51.80	47.80	43.80	39.70	35.70	31.70
19 percent of the excess over \$400 plus—												
\$400 and over-----		73.80	69.80	65.70	61.70	57.70	53.70	49.70	45.60	41.60	37.60	33.60



If the pay-roll period with respect to an employee is semimonthly

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
The amount of tax to be withheld shall be—												
		17% of wages	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0-----	\$22-----	\$3.90	0	0	0	0	0	0	0	0	0	0
\$22-----	\$24-----	4.30	.30	0	0	0	0	0	0	0	0	0
\$24-----	\$26-----	4.60	.70	0	0	0	0	0	0	0	0	0
\$26-----	\$28-----	5.00	1.00	0	0	0	0	0	0	0	0	0
\$28-----	\$30-----	5.30	1.30	0	0	0	0	0	0	0	0	0
\$30-----	\$32-----	5.60	1.70	0	0	0	0	0	0	0	0	0
\$32-----	\$34-----	6.00	2.00	0	0	0	0	0	0	0	0	0
\$34-----	\$36-----	6.30	2.40	0	0	0	0	0	0	0	0	0
\$36-----	\$38-----	6.70	2.70	0	0	0	0	0	0	0	0	0
\$38-----	\$40-----	7.00	3.10	0	0	0	0	0	0	0	0	0
\$40-----	\$42-----	7.40	3.40	0	0	0	0	0	0	0	0	0
\$42-----	\$44-----	7.70	3.70	0	0	0	0	0	0	0	0	0
\$44-----	\$46-----	8.00	4.10	.10	0	0	0	0	0	0	0	0
\$46-----	\$48-----	8.40	4.40	.50	0	0	0	0	0	0	0	0
\$48-----	\$50-----	8.70	4.80	.80	0	0	0	0	0	0	0	0
\$50-----	\$52-----	9.10	5.10	1.10	0	0	0	0	0	0	0	0
\$52-----	\$54-----	9.40	5.40	1.50	0	0	0	0	0	0	0	0
\$54-----	\$56-----	9.70	5.80	1.80	0	0	0	0	0	0	0	0
\$56-----	\$58-----	10.10	6.10	2.20	0	0	0	0	0	0	0	0
\$58-----	\$60-----	10.40	6.50	2.50	0	0	0	0	0	0	0	0
\$60-----	\$62-----	10.80	6.80	2.90	0	0	0	0	0	0	0	0
\$62-----	\$64-----	11.10	7.20	3.20	0	0	0	0	0	0	0	0
\$64-----	\$66-----	11.50	7.50	3.50	0	0	0	0	0	0	0	0
\$66-----	\$68-----	11.80	7.80	3.90	0	0	0	0	0	0	0	0
\$68-----	\$70-----	12.10	8.20	4.20	.30	0	0	0	0	0	0	0
\$70-----	\$72-----	12.50	8.50	4.60	.60	0	0	0	0	0	0	0
\$72-----	\$74-----	12.80	8.90	4.90	1.00	0	0	0	0	0	0	0
\$74-----	\$76-----	13.20	9.20	5.30	1.30	0	0	0	0	0	0	0
\$76-----	\$78-----	13.50	9.60	5.60	1.60	0	0	0	0	0	0	0
\$78-----	\$80-----	13.90	9.90	5.90	2.00	0	0	0	0	0	0	0
\$80-----	\$82-----	14.20	10.20	6.30	2.30	0	0	0	0	0	0	0
\$82-----	\$84-----	14.50	10.60	6.60	2.70	0	0	0	0	0	0	0
\$84-----	\$86-----	14.90	10.90	7.00	3.00	0	0	0	0	0	0	0
\$86-----	\$88-----	15.20	11.30	7.30	3.30	0	0	0	0	0	0	0
\$88-----	\$90-----	15.60	11.60	7.60	3.70	0	0	0	0	0	0	0
\$90-----	\$92-----	15.90	11.90	8.00	4.00	.10	0	0	0	0	0	0
\$92-----	\$94-----	16.30	12.30	8.30	4.40	.40	0	0	0	0	0	0
\$94-----	\$96-----	16.70	12.60	8.70	4.70	.80	0	0	0	0	0	0
\$96-----	\$98-----	17.00	13.00	9.00	5.10	1.10	0	0	0	0	0	0
\$98-----	\$100-----	17.40	13.30	9.40	5.40	1.40	0	0	0	0	0	0
\$100-----	\$102-----	17.80	13.70	9.70	5.70	1.80	0	0	0	0	0	0
\$102-----	\$104-----	18.20	14.00	10.00	6.10	2.10	0	0	0	0	0	0
\$104-----	\$106-----	18.50	14.30	10.40	6.40	2.50	0	0	0	0	0	0
\$106-----	\$108-----	18.90	14.70	10.70	6.80	2.80	0	0	0	0	0	0
\$108-----	\$110-----	19.30	15.00	11.10	7.10	3.10	0	0	0	0	0	0
\$110-----	\$112-----	19.70	15.40	11.40	7.40	3.50	0	0	0	0	0	0
\$112-----	\$114-----	20.00	15.70	11.70	7.80	3.80	0	0	0	0	0	0
\$114-----	\$116-----	20.40	16.10	12.10	8.10	4.20	.20	0	0	0	0	0
\$116-----	\$118-----	20.80	16.40	12.40	8.50	4.50	.60	0	0	0	0	0
\$118-----	\$120-----	21.40	17.00	12.90	9.00	5.00	1.10	0	0	0	0	0
\$120-----	\$124-----	22.10	17.80	13.60	9.70	5.70	1.80	0	0	0	0	0
\$124-----	\$128-----	22.90	18.50	14.30	10.40	6.40	2.40	0	0	0	0	0
\$128-----	\$132-----	23.60	19.30	15.00	11.00	7.10	3.10	0	0	0	0	0
\$132-----	\$136-----	24.40	20.00	15.70	11.70	7.80	3.80	0	0	0	0	0
\$136-----	\$140-----	25.10	20.80	16.40	12.40	8.40	4.50	.50	0	0	0	0
\$140-----	\$144-----	25.90	21.50	17.20	13.10	9.10	5.20	1.20	0	0	0	0
\$144-----	\$148-----	26.60	22.30	17.90	13.80	9.80	5.90	1.90	0	0	0	0
\$148-----	\$152-----	27.40	23.00	18.70	14.50	10.50	6.50	2.60	0	0	0	0
\$152-----	\$156-----	28.10	23.80	19.40	15.10	11.20	7.20	3.30	0	0	0	0
\$156-----	\$160-----	28.90	24.50	20.20	15.80	11.90	7.90	4.00	0	0	0	0
\$160-----	\$164-----	29.60	25.30	20.90	16.60	12.60	8.60	4.60	.70	0	0	0
\$164-----	\$168-----	30.40	26.00	21.70	17.30	13.20	9.30	5.30	1.40	0	0	0
\$168-----	\$172-----	31.10	26.80	22.40	18.10	13.90	10.00	6.00	2.00	0	0	0
\$172-----	\$176-----	31.90	27.50	23.20	18.80	14.60	10.60	6.70	2.70	0	0	0
\$176-----	\$180-----	32.60	28.30	23.90	19.60	15.30	11.30	7.40	3.40	0	0	0
\$180-----	\$184-----	33.40	29.00	24.70	20.30	16.00	12.00	8.10	4.10	.10	0	0
\$184-----	\$188-----	34.20	29.80	25.40	21.10	16.70	12.70	8.70	4.80	.80	0	0
\$188-----	\$192-----	34.90	30.60	26.20	21.80	17.50	13.40	9.40	5.50	1.50	0	0
\$192-----	\$196-----	35.70	31.30	27.00	22.60	18.20	14.10	10.10	6.10	2.20	0	0
\$196-----	\$200-----	37.00	32.60	28.30	23.90	19.60	15.30	11.30	7.30	3.40	0	0
\$200-----	\$210-----	38.90	34.50	30.10	25.80	21.40	17.10	13.00	9.10	5.10	1.10	0
\$210-----	\$220-----	40.70	36.40	32.00	27.70	23.30	19.00	14.70	10.80	6.80	2.90	0



If the pay-roll period with respect to an employee is semimonthly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
\$230-----	\$240-----	\$42.60	\$38.30	\$33.90	\$29.60	\$25.20	\$20.80	\$16.50	\$12.50	\$8.50	\$4.60	\$0.60
\$240-----	\$250-----	44.50	40.10	35.80	31.40	27.10	22.70	18.40	14.20	10.20	6.30	2.30
\$250-----	\$260-----	46.40	42.00	37.70	33.30	29.00	24.60	20.30	15.90	11.90	8.00	4.00
\$260-----	\$270-----	48.30	43.90	39.50	35.20	30.80	26.50	22.10	17.80	13.60	9.70	5.70
\$270-----	\$280-----	50.10	45.80	41.40	37.10	32.70	28.40	24.00	19.70	15.40	11.40	7.40
\$280-----	\$290-----	52.00	47.70	43.30	39.00	34.60	30.20	25.90	21.50	17.20	13.10	9.20
\$290-----	\$300-----	53.90	49.60	45.20	40.80	36.50	32.10	27.80	23.40	19.10	14.80	10.90
\$300-----	\$320-----	56.70	52.40	48.00	43.70	39.30	35.00	30.60	26.20	21.90	17.50	13.40
\$320-----	\$340-----	60.50	56.10	51.80	47.40	43.10	38.70	34.40	30.00	25.70	21.30	16.90
\$340-----	\$360-----	64.20	59.90	55.50	51.20	46.80	42.50	38.10	33.80	29.40	25.10	20.70
\$360-----	\$380-----	68.00	63.70	59.30	54.90	50.60	46.20	41.90	37.50	33.20	28.80	24.50
\$380-----	\$400-----	71.80	67.40	63.10	58.70	54.40	50.00	45.60	41.30	36.90	32.60	28.20
\$400-----	\$420-----	75.50	71.20	66.80	62.50	58.10	53.80	49.40	45.10	40.70	36.30	32.00
\$420-----	\$440-----	79.30	74.90	70.60	66.20	61.90	57.50	53.20	48.80	44.50	40.10	35.80
\$440-----	\$460-----	83.10	78.70	74.30	70.00	65.60	61.30	56.90	52.60	48.20	43.90	39.50
\$460-----	\$480-----	86.80	82.50	78.10	73.80	69.40	65.00	60.70	56.30	52.00	47.60	43.30
\$480-----	\$500-----	90.60	86.20	81.90	77.50	73.20	68.80	64.50	60.10	55.70	51.40	47.00
		19 percent of the excess over \$500 plus—										
\$500 and over-----		92.50	88.10	83.80	79.40	75.10	70.70	66.30	62.00	57.60	53.30	48.90

If the pay-roll period with respect to an employee is monthly

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
\$0-----	\$44-----	17% of wages	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$44-----	\$48-----	\$7.90	0	0	0	0	0	0	0	0	0	0
\$48-----	\$52-----	8.60	.60	0	0	0	0	0	0	0	0	0
\$52-----	\$56-----	9.20	1.30	0	0	0	0	0	0	0	0	0
\$56-----	\$60-----	9.90	2.00	0	0	0	0	0	0	0	0	0
\$60-----	\$64-----	10.60	2.70	0	0	0	0	0	0	0	0	0
\$64-----	\$68-----	11.30	3.40	0	0	0	0	0	0	0	0	0
\$68-----	\$72-----	12.00	4.10	0	0	0	0	0	0	0	0	0
\$72-----	\$76-----	12.70	4.70	0	0	0	0	0	0	0	0	0
\$76-----	\$80-----	13.30	5.40	0	0	0	0	0	0	0	0	0
\$80-----	\$84-----	14.00	6.10	0	0	0	0	0	0	0	0	0
\$84-----	\$88-----	14.70	6.80	0	0	0	0	0	0	0	0	0
\$88-----	\$92-----	15.40	7.50	0	0	0	0	0	0	0	0	0
\$92-----	\$96-----	16.10	8.20	.20	0	0	0	0	0	0	0	0
\$96-----	\$100-----	16.80	8.80	.90	0	0	0	0	0	0	0	0
\$100-----	\$104-----	17.40	9.50	1.60	0	0	0	0	0	0	0	0
\$104-----	\$108-----	18.10	10.20	2.30	0	0	0	0	0	0	0	0
\$108-----	\$112-----	18.80	10.90	3.00	0	0	0	0	0	0	0	0
\$112-----	\$116-----	19.50	11.60	3.70	0	0	0	0	0	0	0	0
\$116-----	\$120-----	20.20	12.30	4.30	0	0	0	0	0	0	0	0
\$120-----	\$124-----	20.90	12.90	5.00	0	0	0	0	0	0	0	0
\$124-----	\$128-----	21.50	13.60	5.70	0	0	0	0	0	0	0	0
\$128-----	\$132-----	22.20	14.30	6.40	0	0	0	0	0	0	0	0
\$132-----	\$136-----	22.90	15.00	7.10	0	0	0	0	0	0	0	0
\$136-----	\$140-----	23.60	15.70	7.80	0	0	0	0	0	0	0	0
\$140-----	\$144-----	24.30	16.40	8.40	.50	0	0	0	0	0	0	0
\$144-----	\$148-----	25.00	17.00	9.10	1.20	0	0	0	0	0	0	0
\$148-----	\$152-----	25.70	17.70	9.80	1.90	0	0	0	0	0	0	0
\$152-----	\$156-----	26.30	18.40	10.50	2.60	0	0	0	0	0	0	0
\$156-----	\$160-----	27.00	19.10	11.20	3.30	0	0	0	0	0	0	0
\$160-----	\$164-----	27.70	19.80	11.90	4.00	0	0	0	0	0	0	0
\$164-----	\$168-----	28.40	20.50	12.60	4.60	0	0	0	0	0	0	0



If the pay-roll period with respect to an employee is monthly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
\$168-----	\$172-----	\$29.10	\$21.20	\$13.20	\$5.30	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$172-----	\$176-----	29.80	21.80	13.90	6.00	0	0	0	0	0	0	0
\$176-----	\$180-----	30.40	22.50	14.60	6.70	0	0	0	0	0	0	0
\$180-----	\$184-----	31.10	23.20	15.30	7.40	0	0	0	0	0	0	0
\$184-----	\$188-----	31.80	23.90	16.00	8.10	.10	0	0	0	0	0	0
\$188-----	\$192-----	32.60	24.60	16.70	8.70	.80	0	0	0	0	0	0
\$192-----	\$196-----	33.30	25.30	17.30	9.40	1.50	0	0	0	0	0	0
\$196-----	\$200-----	34.10	25.90	18.00	10.10	2.20	0	0	0	0	0	0
\$200-----	\$204-----	34.80	26.60	18.70	10.80	2.90	0	0	0	0	0	0
\$204-----	\$208-----	35.60	27.30	19.40	11.50	3.60	0	0	0	0	0	0
\$208-----	\$212-----	36.30	28.00	20.10	12.20	4.20	0	0	0	0	0	0
\$212-----	\$216-----	37.10	28.70	20.80	12.80	4.90	0	0	0	0	0	0
\$216-----	\$220-----	37.80	29.40	21.40	13.50	5.60	0	0	0	0	0	0
\$220-----	\$224-----	38.60	30.00	22.10	14.20	6.30	0	0	0	0	0	0
\$224-----	\$228-----	39.30	30.70	22.80	14.90	7.00	0	0	0	0	0	0
\$228-----	\$232-----	40.10	31.40	23.50	15.60	7.70	0	0	0	0	0	0
\$232-----	\$236-----	40.80	32.10	24.20	16.30	8.30	.40	0	0	0	0	0
\$236-----	\$240-----	41.60	32.90	24.90	16.90	9.00	1.10	0	0	0	0	0
\$240-----	\$248-----	42.70	34.00	25.90	18.00	10.10	2.10	0	0	0	0	0
\$248-----	\$256-----	44.20	35.50	27.30	19.30	11.40	3.50	0	0	0	0	0
\$256-----	\$264-----	45.70	37.00	28.60	20.70	12.80	4.90	0	0	0	0	0
\$264-----	\$272-----	47.20	38.50	30.00	22.10	14.20	6.20	0	0	0	0	0
\$272-----	\$280-----	48.70	40.00	31.40	23.40	15.50	7.60	0	0	0	0	0
\$280-----	\$288-----	50.20	41.50	32.80	24.80	16.90	9.00	1.10	0	0	0	0
\$288-----	\$296-----	51.80	43.00	34.30	26.20	18.30	10.30	2.40	0	0	0	0
\$296-----	\$304-----	53.30	44.50	35.80	27.60	19.60	11.70	3.80	0	0	0	0
\$304-----	\$312-----	54.80	46.10	37.30	28.90	21.00	13.10	5.20	0	0	0	0
\$312-----	\$320-----	56.30	47.60	38.90	30.30	22.40	14.50	6.50	0	0	0	0
\$320-----	\$328-----	57.80	49.10	40.40	31.70	23.70	15.80	7.90	0	0	0	0
\$328-----	\$336-----	59.30	50.60	41.90	33.20	25.10	17.20	9.30	1.40	0	0	0
\$336-----	\$344-----	60.80	52.10	43.40	34.70	26.50	18.60	10.60	2.70	0	0	0
\$344-----	\$352-----	62.30	53.60	44.90	36.20	27.80	19.90	12.00	4.10	0	0	0
\$352-----	\$360-----	63.80	55.10	46.40	37.70	29.20	21.30	13.40	5.50	0	0	0
\$360-----	\$368-----	65.30	56.60	47.90	39.20	30.60	22.70	14.70	6.80	0	0	0
\$368-----	\$376-----	66.80	58.10	49.40	40.70	32.00	24.00	16.10	8.20	.30	0	0
\$376-----	\$384-----	68.30	59.60	50.90	42.20	33.50	25.40	17.50	9.60	1.60	0	0
\$384-----	\$392-----	69.80	61.10	52.40	43.70	35.00	26.80	18.80	10.90	3.00	0	0
\$392-----	\$400-----	71.30	62.60	53.90	45.20	36.50	28.10	20.20	12.30	4.40	0	0
\$400-----	\$420-----	73.90	65.20	56.50	47.80	39.10	30.50	22.60	14.70	6.80	0	0
\$420-----	\$440-----	77.70	69.00	60.30	51.60	42.90	34.20	26.00	18.10	10.20	2.30	0
\$440-----	\$460-----	81.50	72.80	64.10	55.30	46.60	37.90	29.50	21.50	13.60	5.70	0
\$460-----	\$480-----	85.20	76.50	67.80	59.10	50.40	41.70	33.00	25.00	17.00	9.10	1.20
\$480-----	\$500-----	89.00	80.30	71.60	62.90	54.20	45.50	36.70	28.40	20.50	12.50	4.60
\$500-----	\$520-----	92.80	84.10	75.30	66.60	57.90	49.20	40.50	31.80	23.90	16.00	8.00
\$520-----	\$540-----	96.50	87.80	79.10	70.40	61.70	53.00	44.30	35.60	27.30	19.40	11.50
\$540-----	\$560-----	100.30	91.60	82.90	74.20	65.50	56.70	48.00	39.30	30.70	12.80	14.90
\$560-----	\$580-----	104.00	95.30	86.60	77.90	69.20	60.50	51.80	43.10	34.40	26.20	18.30
\$580-----	\$600-----	107.80	99.10	90.40	81.70	73.00	64.30	55.60	46.90	38.10	29.60	21.70
\$600-----	\$640-----	113.40	104.70	96.00	87.30	78.60	69.90	61.20	52.50	43.80	35.10	26.90
\$640-----	\$680-----	121.00	112.30	103.60	94.80	86.10	77.49	68.70	60.00	51.30	42.60	33.90
\$680-----	\$720-----	128.50	119.80	111.10	102.40	93.70	85.00	76.20	67.50	58.80	50.10	41.40
\$720-----	\$760-----	136.00	127.30	118.60	109.90	101.20	92.50	83.80	75.10	66.40	57.60	48.90
\$760-----	\$800-----	143.50	134.80	126.10	117.40	108.70	100.00	91.30	82.60	73.90	65.20	56.50
\$800-----	\$840-----	151.10	142.40	133.70	124.90	116.20	107.50	98.80	90.10	81.40	72.70	64.00
\$840-----	\$880-----	158.60	149.90	141.20	132.50	123.80	115.10	106.30	97.60	88.90	80.20	71.50
\$880-----	\$920-----	166.10	157.40	148.70	140.00	131.30	122.60	113.90	105.20	96.50	87.70	79.00
\$920-----	\$960-----	173.60	164.90	156.20	147.50	138.80	130.10	121.40	112.70	104.00	95.30	86.60
\$960-----	\$1,000-----	181.20	172.50	163.80	155.00	146.30	137.60	128.90	120.20	111.50	102.80	99.10
		19 percent of the excess over \$1,000 plus—										
\$1,000 and over-----		184.90	176.20	167.50	158.80	150.10	141.40	132.70	124.00	115.30	106.60	97.90



If the pay-roll period with respect to an employee is daily pay-roll period or a miscellaneous pay-roll period

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least	But less than	The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period										
		17% of wages	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0-----	\$1.50-----	\$0.30	0	0	0	0	0	0	0	0	0	0
\$1.50-----	\$1.75-----	.30	.05	0	0	0	0	0	0	0	0	0
\$1.75-----	\$2.00-----	.35	.10	0	0	0	0	0	0	0	0	0
\$2.00-----	\$2.25-----	.40	.15	0	0	0	0	0	0	0	0	0
\$2.25-----	\$2.50-----	.45	.20	0	0	0	0	0	0	0	0	0
\$2.50-----	\$2.75-----	.50	.25	0	0	0	0	0	0	0	0	0
\$2.75-----	\$3.00-----	.55	.25	0	0	0	0	0	0	0	0	0
\$3.00-----	\$3.25-----	.60	.30	.05	0	0	0	0	0	0	0	0
\$3.25-----	\$3.50-----	.60	.35	.10	0	0	0	0	0	0	0	0
\$3.50-----	\$3.75-----	.65	.40	.15	0	0	0	0	0	0	0	0
\$3.75-----	\$4.00-----	.70	.45	.20	0	0	0	0	0	0	0	0
\$4.00-----	\$4.25-----	.75	.50	.25	0	0	0	0	0	0	0	0
\$4.25-----	\$4.50-----	.80	.55	.25	0	0	0	0	0	0	0	0
\$4.50-----	\$4.75-----	.85	.55	.30	.05	0	0	0	0	0	0	0
\$4.75-----	\$5.00-----	.90	.60	.35	.10	0	0	0	0	0	0	0
\$5.00-----	\$5.25-----	.90	.65	.40	.15	0	0	0	0	0	0	0
\$5.25-----	\$5.50-----	.95	.70	.45	.20	0	0	0	0	0	0	0
\$5.50-----	\$5.75-----	1.00	.75	.50	.20	0	0	0	0	0	0	0
\$5.75-----	\$6.00-----	1.05	.80	.55	.25	0	0	0	0	0	0	0
\$6.00-----	\$6.25-----	1.10	.85	.55	.30	.05	0	0	0	0	0	0
\$6.25-----	\$6.50-----	1.15	.85	.60	.35	.10	0	0	0	0	0	0
\$6.50-----	\$6.75-----	1.20	.90	.65	.40	.15	0	0	0	0	0	0
\$6.75-----	\$7.00-----	1.25	.95	.70	.45	.20	0	0	0	0	0	0
\$7.00-----	\$7.25-----	1.30	1.00	.75	.50	.20	0	0	0	0	0	0
\$7.25-----	\$7.50-----	1.35	1.05	.80	.50	.25	0	0	0	0	0	0
\$7.50-----	\$7.75-----	1.40	1.10	.85	.55	.30	.05	0	0	0	0	0
\$7.75-----	\$8.00-----	1.40	1.15	.85	.60	.35	.10	0	0	0	0	0
\$8.00-----	\$8.25-----	1.45	1.20	.90	.65	.40	.15	0	0	0	0	0
\$8.25-----	\$8.50-----	1.50	1.25	.95	.70	.45	.15	0	0	0	0	0
\$8.50-----	\$8.75-----	1.55	1.30	1.00	.75	.50	.20	0	0	0	0	0
\$8.75-----	\$9.00-----	1.60	1.35	1.05	.80	.50	.25	0	0	0	0	0
\$9.00-----	\$9.25-----	1.65	1.35	1.10	.80	.55	.30	.05	0	0	0	0
\$9.25-----	\$9.50-----	1.70	1.40	1.15	.85	.60	.35	.10	0	0	0	0
\$9.50-----	\$9.75-----	1.75	1.45	1.20	.90	.65	.40	.15	0	0	0	0
\$9.75-----	\$10.00-----	1.80	1.55	1.25	.95	.70	.45	.20	0	0	0	0
\$10.00-----	\$10.50-----	1.90	1.65	1.35	1.05	.80	.55	.30	0	0	0	0
\$10.50-----	\$11.00-----	2.00	1.75	1.45	1.15	.90	.60	.35	.10	0	0	0
\$11.00-----	\$11.50-----	2.10	1.80	1.55	1.25	.95	.70	.45	.20	0	0	0
\$11.50-----	\$12.00-----	2.20	1.90	1.65	1.35	1.05	.80	.55	.25	0	0	0
\$12.00-----	\$12.50-----	2.30	2.00	1.70	1.45	1.15	.90	.60	.35	.10	0	0
\$12.50-----	\$13.00-----	2.40	2.10	1.80	1.55	1.25	.95	.70	.45	.20	0	0
\$13.00-----	\$13.50-----	2.50	2.20	1.90	1.60	1.35	1.05	.80	.55	.25	0	0
\$13.50-----	\$14.00-----	2.60	2.30	2.00	1.70	1.45	1.15	.90	.60	.35	.10	0
\$14.00-----	\$14.50-----	2.65	2.40	2.10	1.80	1.50	1.25	.95	.70	.45	.20	0
\$14.50-----	\$15.00-----	2.75	2.50	2.20	1.90	1.60	1.35	1.05	.80	.55	.25	0
\$15.00-----	\$15.50-----	2.85	2.55	2.30	2.00	1.70	1.45	1.15	.85	.60	.35	.10
\$15.50-----	\$16.00-----	2.95	2.65	2.40	2.10	1.80	1.50	1.25	.95	.70	.45	.20
\$16.00-----	\$16.50-----	3.05	2.75	2.45	2.20	1.90	1.60	1.35	1.05	.80	.50	.25
\$16.50-----	\$17.00-----	3.15	2.85	2.55	2.30	2.00	1.70	1.40	1.15	.85	.60	.35
\$17.00-----	\$17.50-----	3.25	2.95	2.65	2.40	2.10	1.80	1.50	1.25	.95	.70	.45
\$17.50-----	\$18.00-----	3.35	3.05	2.75	2.45	2.20	1.90	1.60	1.30	1.05	.80	.50
\$18.00-----	\$18.50-----	3.40	3.15	2.85	2.55	2.30	2.00	1.70	1.40	1.15	.85	.60
\$18.50-----	\$19.00-----	3.50	3.25	2.95	2.65	2.35	2.10	1.80	1.50	1.25	.95	.70
\$19.00-----	\$19.50-----	3.60	3.30	3.05	2.75	2.45	2.20	1.90	1.60	1.30	1.05	.75
\$19.50-----	\$20.00-----	3.75	3.45	3.20	2.90	2.60	2.30	2.05	1.75	1.45	1.20	.90
\$20.00-----	\$21.00-----	3.95	3.65	3.35	3.10	2.80	2.50	2.20	1.95	1.65	1.35	1.10
\$21.00-----	\$22.00-----	4.15	3.85	3.55	3.25	3.00	2.70	2.40	2.10	1.85	1.55	1.25
\$22.00-----	\$23.00-----	4.30	4.05	3.75	3.45	3.15	2.90	2.60	2.30	2.05	1.75	1.45
\$23.00-----	\$24.00-----	4.50	4.20	3.95	3.65	3.35	3.05	2.80	2.50	2.20	1.95	1.65
\$24.00-----	\$25.00-----	4.70	4.40	4.10	3.85	3.55	3.25	2.95	2.70	2.40	2.10	1.85
\$25.00-----	\$26.00-----	4.90	4.60	4.30	4.00	3.75	3.45	3.15	2.90	2.60	2.30	2.00
\$26.00-----	\$27.00-----	5.05	4.80	4.50	4.20	3.90	3.65	3.35	3.05	2.80	2.50	2.20
\$27.00-----	\$28.00-----	5.25	4.95	4.70	4.40	4.10	3.80	3.55	3.25	2.95	2.70	2.40
\$28.00-----	\$29.00-----	5.45	5.15	4.85	4.60	4.30	4.00	3.75	3.45	3.15	2.85	2.60
\$29.00-----	\$30.00-----											
		19 percent of the excess over \$30 plus—										
\$30.00 and over-----		5.55	5.25	4.95	4.70	4.40	4.10	3.80	3.55	3.25	2.95	2.70



\* \* \* \* \*

**(h) Withholding exemptions—(1) In general.**—An employee receiving wages shall on any day be entitled to the following withholding exemptions:

(A) An exemption for himself.

(B) If the employee is married, an exemption with respect to his spouse, unless his spouse has in effect a withholding exemption certificate claiming a withholding exemption under subparagraph (A).

(C) An exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (C) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

**(2) Exemption certificates.**—(A) *On Commencement of Employment.*—On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which shall in no event exceed the number to which he is entitled.

(B) *Changes of Status, Etc.*—If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed by the employee on the withholding exemption certificate then in effect with respect to him, the employee shall within ten days thereafter furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day. If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is greater than the number of withholding exemptions claimed, the employee may furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day.

(C) *Change of Status, Etc., Which Affects Next Calendar Year.*—If on any day during the calendar year the number of withholding exemptions to which the employee will be, or may reasonably be expected to be, entitled at the beginning of his next taxable year under Chapter 1 is different from the number to which the employee is entitled on such day, the employee shall, in such cases and at such times as the Commissioner, with the approval of the Secretary, may by regulations prescribe, furnish the employer with a withholding exemption certificate relating to the number of withholding exemptions which he claims with respect to such next taxable year, which shall in no event exceed the number to which he will be, or may reasonably be expected to be, so entitled.

**(3) When certificate takes effect.**—(A) *First Certificate Furnished.*—A withholding exemption certificate furnished the employer in cases in which no previous such certificate is in effect shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.



(B) *Furnished to Take Place of Existing Certificate.*—A withholding exemption certificate furnished the employer in cases in which a previous such certificate is in effect shall take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least thirty days from the date on which such certificate is so furnished, except that at the election of the employer such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished; but a certificate furnished pursuant to paragraph (2) (C) shall not take effect, and may not be made effective, with respect to any payment of wages made in the calendar year in which the certificate is furnished. For the purposes of this subparagraph the term “status determination date” means January 1 and July 1 of each year.

(4) **Period during which certificate remains in effect.**—A withholding exemption certificate which takes effect under this subsection shall continue in effect with respect to the employer until another such certificate takes effect under this subsection.

(5) **Contents of certificate.**—Withholding exemption certificates shall be in such form and contain such information as the Commissioner may, with the approval of the Secretary, by regulations prescribe. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126, amended Feb. 25, 1944 12:49 p. m. E. W. T., ch. 63, title I, § 137, 58 Stat. 53; May 29, 1944, 7 p. m., E. W. T., ch. 210, part II, § 22 (b-d, f), 58 Stat. 255; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 104 (a-c), 59 Stat. 561.)

\* \* \* \* \*

#### AMENDMENTS

1945—Subsec. (a) amended by act Nov. 8, 1945, § 104 (a) (1), cited to text, which struck out paragraph (1), inserted “17 per centum” in lieu of “18 per centum” in paragraph (2), inserted “19 per centum” in lieu of “19.8 per centum” in paragraph (3), and renumbered paragraphs (2) and (3) as (1) and (2) respectively.

Subsec. (b) (1) amended by act Nov. 8, 1945, § 104 (a) (2), cited to text, which struck out “18 per centum” in the last column of the table therein and inserted in lieu thereof “17 per centum”.

Subsec. (c) (1), the tables relating to wage bracket withholding, amended generally by act Nov. 8, 1945, § 104 (b), cited to text.

Subsec. (h) (1) (C) amended by act Nov. 8, 1945, § 104 (c), cited to text, which struck out “a surtax exemption under section 25 (b) (3)” and inserted in lieu thereof “an exemption under section 25 (b) (1) (C)”.

**§ 1625. Receipts.—(a) Requirement.**—Every employer required to deduct and withhold a tax in respect of the wages of an employee, or who would have been so required if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of his employment during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made, a written statement showing the wages paid by the employer to such employee during such calendar year, and the amount of the tax deducted and withheld under this subchapter in respect of such wages.

**(b) Statements to constitute information returns.**—The statements required to be furnished by this section in respect of any wages shall be furnished at such other times, shall contain such other in-



formation, and shall be in such form as the Commissioner, with the approval of the Secretary, may by regulations prescribe. A duplicate of such statement if made and filed in accordance with regulations prescribed by the Commissioner with the approval of the Secretary shall constitute the return required to be made in respect of such wages under section 147.

**(c) Extension of time.**—The Commissioner, under such regulations as he may prescribe with the approval of the Secretary, may grant to any employer a reasonable extension of time (not in excess of thirty days) with respect to the statements required to be furnished under this section. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126, as amended Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 104 (d) (1), 59 Stat. 567.)

#### AMENDMENTS

1945—Subsec. (a) amended by act Nov. 8, 1945, § 104 (d) (1), cited to text, which inserted after “required to deduct and withhold a tax in respect of the wages of an employee” the following: “, or who would have been so required if the employee had claimed no more than one withholding exemption,”.

#### EFFECTIVE DATE

Amendment to subsec. (a) by act Nov. 8, 1945, cited to text, was made applicable only with respect to wages paid on or after Jan. 1, 1946, by section 104 (e) thereof.

Section as effective July 1, 1943, see note preceding section 1621 of this title.

**§ 1626. Penalties.—(a) Penalties for fraudulent receipt or failure to furnish receipt.**—In lieu of any other penalty provided by law (except the penalty provided by subsection (b) of this section), any person required under the provisions of section 1625 to furnish a statement who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1625, or regulations prescribed thereunder, shall for each such failure, upon conviction thereof be fined not more than \$1,000, or imprisoned for not more than one year, or both.

**(b) Additional penalty.**—In addition to the penalty provided by subsection (a) of this section, any person required under the provisions of section 1625 to furnish a statement who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1625, or regulations prescribed thereunder, shall for each such failure be subject to a civil penalty of not more than \$50.

**(c) Failure of employer to file return or pay tax.**—In case of any failure to make and file return or pay the tax required by this subchapter, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, the addition to the tax shall not be less than \$10.

**(d) Penalties in respect of withholding exemption certificates.**—Any individual required to supply information to his employer under section 1622 (h) who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under section 1622, shall, in lieu of any penalty otherwise provided, upon conviction



thereof, be fined not more than \$500, or imprisoned for not more than one year, or both. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126, as amended Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 104 (d) (2), 59 Stat. 568.)

#### AMENDMENTS

1945—Subsecs. (a) and (b) amended by act Nov. 8, 1945, § 104 (d) (2), cited to text, which struck out “in respect of tax withheld pursuant to this subchapter” in each of such subsections, and struck out “receipt” wherever appearing therein and inserting in lieu thereof “statement”.

#### EFFECTIVE DATE

Amendments to subsecs. (a) and (b) by act Nov. 8, 1945, cited to text, were made applicable only with respect to wages paid on or after Jan. 1, 1946, by section 104 (e) thereof.

#### SUBCHAPTER B.—ADULTERATED AND PROCESS OR RENOVATED BUTTER

**§ 2325. Inspection of process or renovated butter.**—For the purpose of protecting interstate and foreign commerce from process or renovated butter which is unclean, unwholesome, unhealthful, or otherwise unfit for human food—

(a) The Secretary of Agriculture shall, through inspectors appointed by him, cause inspections to be made of all milk, butter, butter oil, and other ingredients intended for use in the manufacture of process or renovated butter. All ingredients which are found to be putrid or decomposed or which contain organic or inorganic substances which are foreign to such ingredients when properly made, manufactured, produced, collected, stored, transported, or handled, and which organic or inorganic substances cannot be removed by processing, shall be deemed unfit for use in the manufacture of process or renovated butter, shall be marked “U. S. Inspected and Condemned”, and shall be denatured or destroyed under the supervision of the inspector. All other ingredients shall be marked “U. S. Inspected and Passed”, and shall be deemed fit for use in the manufacture of process or renovated butter.

(b) The Secretary of Agriculture shall cause inspections to be made of all process or renovated butter. If such butter is found to be clean, wholesome, healthful, and otherwise fit for human food, it shall be marked “U. S. Inspected and Passed”. Process or renovated butter that is found to be unclean, unwholesome, unhealthful, or otherwise unfit for human food shall be denatured or destroyed under the supervision of the inspector.

(c) The Secretary of Agriculture shall cause inspections to be made of all factories wherein process or renovated butter is manufactured to determine the sanitary conditions thereof, and if it is found that the conditions existing in any such factory do not meet the standards prescribed by the Secretary in his regulations, he shall cause inspection to be withdrawn therefrom.

(d) The Secretary of Agriculture is authorized to withdraw inspection from any factory wherein process or renovated butter is made, if the manufacturer shall fail to comply with any of the provisions of this section or with any of the rules and regulations prescribed hereunder.

(e) The Secretary of Agriculture is authorized to make such rules and regulations as he deems necessary for the efficient administration



of the provisions of this section, and all inspections hereunder shall be made in such manner as may be prescribed in such regulations. The Secretary of Agriculture may from time to time, by regulations define the foreign substances and the extent thereof that render the ingredients unfit for use in manufacturing process or renovated butter.

(f) The Secretary of Agriculture shall cause to be ascertained, and he shall report, from time to time, the quantity and quality of all process or renovated butter manufactured and the character and condition of the materials from which it is made.

(g) No person, firm, or corporation shall forge, counterfeit, simulate, falsely represent, detach, or knowingly alter, deface, or destroy, or use without proper authority, any of the marks, stamps, labels, or tabs provided for in this section or in any regulations prescribed hereunder by the Secretary of Agriculture for use on process or renovated butter or on wrappers, packages, containers, or cases in which the product is contained, or any certificate in relation thereto.

(h) All process or renovated butter and the packages or containers thereof shall be marked with the words "Process Butter" and by such other marks, labels, or brands, and in such manner, as may be prescribed by the Secretary of Agriculture.

(i) No statement that is false or misleading in any particular shall be placed on or affixed to any wrapper, label, carton, or container of process or renovated butter.

(j) No person, firm, or corporation shall transport, or offer for transportation, or sell or offer for sale, in interstate or foreign commerce, or in commerce affecting commerce among the States, any process or renovated butter that has not been inspected and passed and marked, labeled, and branded in accordance with this section and the regulations issued hereunder.

(k) The administration and enforcement of the provisions of this Act, other than its provisions relating to revenue, but including the seizure and denaturing or destruction of ingredients intended to be used in the manufacture of process or renovated butter and the denaturing or destruction of process or renovated butter, are committed exclusively to the Secretary of Agriculture: *Provided*, That any powers and duties of the Food and Drug Administration of the Federal Security Agency under the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C., 1940 edition, 301, and the following), as regards such ingredients before they come into the possession of the manufacturers of process or renovated butter, or as regards such powers and duties in connection with process or renovated butter after it leaves such manufacturers and comes into the hands of wholesale or retail dealers, or others, shall not be affected by this Act. (As amended June 24, 1946, ch. 459, § 1, 60 Stat. 300.)

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**References in text.**—This act referred to in text refers to sections 2325–2327 of this title.

The Federal Food, Drug, and Cosmetic Act, as amended, referred to in the text has been classified to sections 301, 321, 331–392 of title 21.

**1946 Amendment.**—Act June 24, 1946, cited to text, amended section generally to establish and maintain continuous inspection of all qualified establishments which manufacture process or renovated butter.

**Saving clause.**—Section 4 of act June 24, 1946, cited to text, provided: "If any provision of this act [sections 2325–2327 of this title] or the application thereof to any person or circumstance is held invalid, the validity of the remainder of



the act [said sections] and of the application for such provision to other persons or circumstances shall not be affected thereby."

### § 2326. Penalties.

\* \* \* \* \*

(c) **Failure to comply with provisions relating to the manufacture, storage, and marking of process or renovated butter.**—Any person, firm, or corporation violating any of the provisions of section 2325 shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$1,000 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment in the discretion of the court. (As amended June 24, 1946, ch. 459, § 2, 60 Stat. 302.)

**1946 Amendment.**—Subsec. (c) amended by act June 24, 1946, cited to text, which increased the penalty from a fine of not less than \$50 nor more than \$500 or by imprisonment for not less than one month nor more than six months to a fine of not more than \$1,000 or by imprisonment for not more than six months.

**Saving clause.**—Saving clause, see note set out under section 2325 of this title.

### § 2327. Other laws applicable.

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(b), (c) Omitted. June 24, 1946, ch. 459, § 3, 60 Stat. 302.

\* \* \* \* \*

**1946 Amendment.**—Subsecs. (b) and (c) omitted by act June 24, 1946, cited to text.

**Saving clause.**—Saving clause, see note set out under section 2325 of this title.

## IMPORT TAXES

### § 3443. Credits and refunds.

#### EXEMPTIONS

Subsec. (c) of act Feb. 25, 1944, § 307, cited to text, as amended by act of Nov. 8, 1945, 5:17 p. m. E. S. T., ch. 453, title III, § 303, 59 Stat. 576, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States."

## TELEGRAPH, TELEPHONE, RADIO, AND CABLE FACILITIES

**§ 3466. Exemption from tax.**—(a) No tax shall be imposed under section 3465 upon any payment received for services or facilities furnished to any State, Territory of the United States, or political subdivision thereof, or the District of Columbia, or an international organization, or any corporation created by Act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.

(b) No tax shall be imposed under section 3465 (a) (1) and (2) upon any payment received from any person for services or facilities utilized in the collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general



news service similar to that of the public press, or by means of radio broadcasting, if the charge for such services or facilities is billed in writing to such person. Section 3465 (a) (3) shall not be construed as imposing a tax on services and facilities described in section 3465 (a) (1) or (2) which are exempt from tax under this subsection.

(c) The right to exemption under this section shall be evidenced in such manner as the Commissioner with the approval of the Secretary may by regulation prescribe. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 548, 55 Stat. 714; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (7), 58 Stat. 65; Dec. 29, 1945, ch. 652, title I, § 4 (f), 59 Stat. 671.)

## AMENDMENTS

1945—Subsec. (a) amended by act Dec. 29, 1945, cited to text, which inserted a comma and “or an international organization” following “District of Columbia”.

## TRANSPORTATION OF PROPERTY

## § 3475. Transportation of property.

\*            \*            \*            \*            \*            \*

(b) **Exemption of government transportation.**—The tax imposed under this section shall not apply to (1) amounts paid for the transportation of property to or from the government of a State, Territory of the United States, or political subdivision thereof, or the District of Columbia, or an international organization, or any corporation created by Act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864, (2) amounts paid to the Post Office Department for the transportation of property, or (3) amounts paid by or to the War Shipping Administration for the transportation of property by water from one point in the United States to another, except between points on the Great Lakes.

## AMENDMENTS

1945—Subsec. (b) (1) amended by act Dec. 29, 1945, cited to text, which inserted a comma and “or an international organization” following “District of Columbia”.

## SUGAR

## SUBCHAPTER C, GENERAL PROVISIONS

§ 3508. **Termination of taxes.**—No tax shall be imposed under this chapter on the manufacture, use or importation of sugar after June 30, 1948. As amended Oct. 15, 1940, ch. 887, § 2, 54 Stat. 1178; Dec. 26, 1941, ch. 638, § 5, 55 Stat. 873; June 20, 1944, ch. 266, § 2, 58 Stat. 284; July 27, 1946, ch. 685, § 2, 60 Stat. 707.

**1946 amendment.**—Act July 27, 1946, cited to text, amended section by extending termination date from June 30, 1947 to June 30, 1948.

**1944 amendment.**—Act June 20, 1944, cited to text, amended section by substituting “June 30, 1947”, for “June 30, 1945.”

**1940 amendment.**—Date extended from June 30, 1941 to June 30, 1942 by act Oct. 15, 1940, cited to text.



## TITLE 28—JUDICIAL CODE AND JUDICIARY

### Federal Tort Claims (New)

Sec.

- 921. Settlement of claims of \$1,000 or less; conclusiveness; appropriations.
- 922. Reports to Congress.

### Suits Against United States

- 931. Jurisdiction; liability of U. S.; judgment; election by claimant; amount; administrative disposition as evidence.
- 932. Procedure.
- 933. Review.
- 934. Compromise and settlement of suits.

### Miscellaneous Provisions

- 941. Definitions.
- 942. Statute of limitations.
- 943. Claims exempted from operation of chapter.
- 944. Attorney's fees; penalties.
- 945. Exclusiveness of chapter.
- 946. Laws unaffected.

## Chapter 20—FEDERAL TORT CLAIMS (NEW)

### SUBCHAPTER I.—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

**§ 921. Settlement of claims of \$1,000 or less; conclusiveness; appropriations.**—(a) Subject to the limitations of this chapter, authority is conferred upon the head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle any claim against the United States for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed \$1,000, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred.

(b) Subject to the provisions of subchapter II of this chapter, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud, notwithstanding any other provision of law to the contrary.

(c) Any award made to any claimant pursuant to this section, and any award, compromise, or settlement of any claim cognizable under this chapter made by the Attorney General pursuant to section 934 of this title, shall be paid by the head of the Federal agency concerned out of appropriations that may be made therefor, which appropriations are authorized.

(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall



constitute a complete release by the claimant of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter. (Aug. 2, 1946, ch. 753, title IV, § 403, 60 Stat. 843.)

**Codification.**—Chapter was not enacted as a part of the Judicial Code.

**Short title.**—Congress in enacting this chapter provided by section 401 of act Aug. 2, 1946, cited to text, that it should be popularly known as the “Federal Tort Claims Act”.

**Repeals.**—Section 424(a) of act Aug. 2, 1946, cited to text, provided in part that “All provisions of law authorizing any Federal agency to consider, ascertain, adjust, or determine claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, are hereby repealed in respect of claims cognizable under part 2 of this title [subchapter I of this chapter] and accruing on and after Jan. 1, 1945.”

**§ 922. Reports to Congress.**—The head of each Federal agency shall annually make a report to the Congress of all claims paid by such Federal agency under this subchapter. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded, and a brief description of the claim. (Aug. 2, 1946, ch. 753, title IV, § 404, 60 Stat. 843.)

#### SUBCHAPTER II.—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

**§ 931. Jurisdiction; liability of United States; judgment; election by claimant; amount of suit; administrative disposition as evidence.**—(a) Subject to the provisions of this chapter, the United States district court for the district wherein the plaintiff is resident or wherein the act or omission complained of occurred, including the United States district courts for the Territories and possessions of the United States, sitting without a jury, shall have exclusive jurisdiction to hear, determine, and render judgment on any claim against the United States, for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. Subject to the provisions of this chapter, the United States shall be liable in respect of such claims to the same claimants, in the same manner, and to the same extent as a private individual under like circumstances, except that the United States shall not be liable for interest prior to judgment, or for punitive damages. Costs shall be allowed in all courts to the successful claimant to the same extent as if the United States were a private litigant, except that such costs shall not include attorneys’ fees.

(b) The judgment in such an action shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the Government whose act or omission gave rise to the claim. No suit shall be instituted pursuant to this section upon a claim presented to any Federal agency pursuant to subchapter I of this chapter unless such Federal agency has made final disposition



of the claim: *Provided*, That the claimant may, upon fifteen days' notice given in writing, withdraw the claim from consideration of the Federal agency and commence suit thereon pursuant to this section: *Provided further*, That as to any claim so disposed of or so withdrawn, no suit shall be instituted pursuant to this section for any sum in excess of the amount of the claim presented to the Federal agency, except where the increased amount of the claim is shown to be based upon newly discovered evidence not reasonably discoverable at the time of presentation of the claim to the Federal agency or upon evidence of intervening facts, relating to the amount of the claim. Disposition of any claim made pursuant to said subchapter shall not be competent evidence of liability or amount of damages in proceedings on such claim pursuant to this section. (Aug. 2, 1946, ch. 753, title IV, § 410, 60 Stat. 843.)

**§ 932. Procedure.**—In actions under this subchapter, the forms of process, writs, pleadings, and motions, and the practice and procedure, shall be in accordance with the rules promulgated by the Supreme Court pursuant to section 723b and 723c of this title; and the same provisions for counterclaim and set-off, for interest upon judgments, and for payment of judgments, shall be applicable as in cases brought in the United States district courts under section 41 (20), 250 (1), (2), 251, 254, 257, 258, 287, 289, 292, 761-765 of this title. (Aug. 2, 1946, ch. 753, title IV, § 411, 60 Stat. 844.)

**§ 933. Review.**—(a) Final judgments in the district courts in cases under this subchapter shall be subject to review by appeal—

(1) in the circuit courts of appeals in the same manner and to the same extent as other judgments of the district courts; or

(2) in the Court of Claims of the United States: *Provided*, That the notice of appeal filed in the district court under rule 73 of the Rules of Civil Procedure following section 723c of this title shall have affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims of the United States. Such appeals to the Court of Claims of the United States shall be taken within three months after the entry of the judgment of the district court, and shall be governed by the rules relating to appeals from a district court to a circuit court of appeals adopted by the Supreme Court pursuant to sections 723b and 723c of this title. In such appeals the Court of Claims of the United States shall have the same powers and duties as those conferred on a circuit court of appeals in respect to appeals under section 226 of this title.

(b) Sections 346 and 347 of this title, shall apply to cases under this part in the circuit courts of appeals and in the Court of Claims of the United States to the same extent as to cases in a circuit court of appeals therein referred to. (Aug. 2, 1946, ch. 753, title IV, § 412, 60 Stat. 844.)

**§ 934. Compromise and settlement of suits.**—With a view to doing substantial justice, the Attorney General is authorized to arbitrate, compromise, or settle any claim cognizable under this subchapter, after the institution of any suit thereon, with the approval of the court in which such suit is pending. (Aug. 2, 1946, ch. 753, title IV, § 413, 60 Stat. 845.)



## SUBCHAPTER III—MISCELLANEOUS PROVISIONS

§ 941. **Definitions.**—As used in this chapter, the term—

(a) “Federal agency” includes the executive departments and independent establishments of the United States, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the United States, whether or not authorized to sue and be sued in their own names: *Provided*, That this shall not be construed to include any contractor with the United States.

(b) “Employee of the Government” includes officers or employees of any Federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

(c) “Acting within the scope of his office or employment”, in the case of a member of the military or naval forces of the United States, means acting in line of duty. (Aug. 2, 1946, ch. 753, title IV, § 402, 60 Stat. 842.)

§ 942. **Statute of limitations.**—Every claim against the United States cognizable under this chapter shall be forever barred, unless within one year after such claim accrued or within one year after August 2, 1946, whichever is later, it is presented in writing to the Federal agency out of whose activities it arises, if such claim is for a sum not exceeding \$1,000; or unless within one year after such claim accrued or within one year after August 2, 1946, whichever is later, an action is begun pursuant to subchapter II of this chapter. In the event that a claim for a sum not exceeding \$1,000 is presented to a Federal agency as aforesaid, the time to institute a suit pursuant to subchapter II of this chapter shall be extended for a period of six months from the date of mailing of notice to the claimant by such Federal agency as to the final disposition of the claim or from the date of withdrawal of the claim from such Federal agency pursuant to section 931 of this title, if it would otherwise expire before the end of such period. (Aug. 2, 1946, ch. 753, title IV, § 420, 60 Stat. 845.)

§ 943. **Claims exempted from operation of chapter.**—The provisions of this chapter shall not apply to—

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(d) Any claim for which a remedy is provided by sections 741–752, or 781–790 of Title 46, relating to claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of sections 1–38 of Appendix to Title 50.



(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(g) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(i) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(j) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(l) Any claim arising from the activities of the Tennessee Valley Authority. (Aug. 2, 1946, ch. 753, title IV, § 421, 60 Stat. 845.)

**§ 944. Attorney's fees; penalties.**—The court rendering a judgment for the plaintiff pursuant to subchapter II of this chapter, or the head of the Federal agency or his designee making an award pursuant to subchapter I of this chapter, or the Attorney General making a disposition pursuant to section 934 of this title, as the case may be, may, as a part of the judgment, award, or settlement, determine and allow reasonable attorney's fees, which, if the recovery is \$500 or more, shall not exceed 10 per centum of the amount recovered under subchapter I of this chapter, or 20 per centum of the amount recovered under subchapter II of this chapter, to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a fine of not more than \$2,000 or imprisonment for not more than one year, or both. (Aug. 2, 1946, ch. 753, title IV, § 422, 60 Stat. 846.)

**§ 945. Exclusiveness of chapter.**—From and after August 2, 1946, the authority of any Federal agency to sue and be sued in its own name shall not be construed to authorize suits against such Federal agency on claims which are cognizable under subchapter II of this chapter, and the remedies provided by this chapter in such cases shall be exclusive. (Aug. 2, 1946, ch. 753, title IV, § 423, 60 Stat. 846.)

**§ 946. Laws unaffected.**—Nothing contained in this chapter shall be deemed to repeal any provision of law authorizing any Federal agency to consider, ascertain, adjust, settle, determine, or pay any claim on account of damage to or loss of property or on account of personal injury or death, in cases in which such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under subchapter I of this chapter. (Aug. 2, 1946, ch. 753, title IV, § 424 (b), 60 Stat. 847.)

**Codification.**—Section comprised subsec. (b) of section 424 of act Aug. 2, 1946, cited to text. Subsec. (a) of said section is set out as a note under section 921 of this title.



## TITLE 30—MINERAL LANDS AND MINING

### Mining Lands and Regulations Generally

Sec.

12. Preservation of technical and economic records of domestic sources of ores of metals and minerals.  
29, 30, 33, 34, 39. Transfer of functions.

### Leases and Prospecting Permits

181. Lands subject to disposition; persons not entitled to benefits; helium rights reserved.  
184. Limitation on number of leases to one person; combinations or unlawful trusts; options.  
187a. Same; oil or gas leases; partial assignments.  
187b. Same; oil or gas leases; written relinquishment of rights; release of obligations.  
188. Forfeiture or cancellation of leases.  
188a. Surrender of leases.  
192. Payment of royalties in oil or gas; sale of such oil or gas.  
194. Fees and commissions of registers.  
209. Waiver, suspension or reduction of rentals or royalties, etc.  
223a. Repealed.  
225. Condition of lease; forfeiture for violation.  
226. Lease of oil or gas lands; royalties and annual rentals; drainage agreements.  
226a. Repealed.  
226b. Repealed.  
226c. Reduction of royalties under existing leases.  
226d. Exchange of leases; royalties.  
226e. Cooperative or unit plans; regulations; approval of contracts; prevention of waste.  
227–229. Transfer of functions of General Land Office to Bureau of Land Management.  
236b. Leases within naval petroleum reserves; effect of other laws.  
261–263. Surrender of leases, see sec. 188a.  
285. Laws applicable.

### MINING LANDS AND REGULATIONS GENERALLY

**§ 12. Preservation of technical and economic records of domestic sources of ores of metals and minerals.**—(a) After the termination of hostilities in the present war or at such date prior or subsequent thereto as the agency may determine all files and records which relate to the technological and economic phases of domestic sources, supply, and beneficiation of the ores and metals and minerals, and which no longer are required in the conduct of the business of the various governmental agencies (including Government owned or controlled corporations) dealing with such matters, shall be transferred to and consolidated in the possession of the Bureau of Mines.

(b) Whenever an agency having custody of any such files and records determines that it has no further need therefor, it shall immediately notify the Bureau of Mines. Upon receipt of such notification the Bureau of Mines, with the aid and advice of the staff of such agency, shall carefully examine such files and records, eliminate extraneous and duplicative material therefrom, and classify the data contained therein in such form as will be of greatest permanent value



to the national economy. Each item transferred to the Bureau of Mines shall be microfilmed by the agency having original custody of such files and records and such microfilm shall be delivered to The National Archives.

(c) Such portions of the aforesaid files and records as are not retained by the Bureau of Mines shall be subject to disposal in the manner prescribed by law.

(d) The National Archives shall reimburse the agencies for the out-of-pocket cost of microfilming. (Aug. 13, 1946, ch. 961, 60 Stat. 1057.)

### **§§ 29, 30, 33, 34, 39.**

**Transfer of functions.**—United States Supervisor of Surveys and register of district land offices were abolished and their functions transferred to the Bureau of Land Management by 1946 Reorg. Plan. No. 3, § 403, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1100, and regulations thereunder.

## **LEASES AND PROSPECTING PERMITS**

### **1. GENERAL PROVISIONS**

#### **§ 181. Lands subject to disposition; persons not entitled to benefits; helium rights reserved.**

Act of Aug. 8, 1946, § 1, amended section by excluding lands containing such enumerated deposits in cities, towns, villages, and national monuments, and such lands acquired under Acts subsequent to Feb. 25, 1920, from disposition in the form and manner provided by the 1920 Act.

Act Aug. 1946, § 11, amended section 5 of act Feb. 7, 1927, to exclude from the latter the incorporation, by reference of this section, this section having been amended by section 1 of said act Aug. 8, 1946 to include deposits of potassium.

**Saving clause.**—Section 15 of act Aug. 8, 1946, provided: "No repeal or amendment made by this act (secs. 181-184, 185-188, 189-194, 201, 202-209, 211-214, 223, 224-226, 226d, 226e, 227-229a, 241, 251, 261-263 of this title) shall affect any right acquired under the law as it existed prior to such repeal or amendment, and such right shall be governed by the law in effect at the time of its acquisition; but any person holding a lease on effective date of this act (Aug. 8, 1946) may, by filing a statement to that effect, elect to have his lease governed by the applicable provisions of this act instead of by the law in effect prior thereto."

#### **§ 184. Limitation on number of leases to one person; combinations or unlawful trusts; options.**

Act Aug. 8, 1946, amended section principally by doubling the amount of land that may be leased by any person or corporation in any one State and abolishing the former acreage limitation of 2,560 acres on one structure; by excluding operating contracts and leases held in common from the definition of "association"; by inserting the provisions relating to options; and by omitting the provisions relating to cooperative or unit plans and operating, drilling or development contracts.

Saving clause, see note under section 181 of this title.

Surrender of leases, see section 188a of this title.

#### **§ 187a. Same; oil or gas leases; partial assignments.**

Act Aug. 8, 1946, ch. 916, 60 Stat. 955, provided for assignment or sublease of all or part of lease subject to final approval of Secretary of the Interior.

#### **§ 187b. Same; oil or gas leases; written relinquishment of rights; release of obligations.**

Act Aug. 8, 1946, ch. 916, § 80, 60 Stat. 956, provided that lessee may relinquish his rights any time by filing relinquishment.



**§ 188. Forfeiture or cancellation of leases.**

Act Aug. 8, 1946, ch. 916, § 9, 60 Stat. 956, amended section by adding paragraph relating to cancellation of leases by Secretary of the Interior.

**§ 188a. Surrender of leases.**

**Transfer of functions.**—The General Land Office was abolished and its functions transferred to the Bureau of Land Management by 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1100, and regulations thereunder.

**§ 192. Payment of royalties in oil or gas; sale of such oil or gas.**—All royalty accruing to the United States under any oil or gas lease or permit under sections 181–194, 201, 202–208, 211–214, 223–229, 241, 251, and 261–263 of this title on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under said sections, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided*, That inasmuch as the public interest will be served by the sale of royalty oil to refineries not having their own source of supply for crude oil, the Secretary of the Interior, when he determines that sufficient supplies of crude oil are not available in the open market to such refineries, is authorized and directed to grant preference to such refineries in the sale of oil under the provisions of this section, for processing or use in such refineries and not for resale in kind, and in so doing may sell to such refineries at private sale at not less than the market price any royalty oil accruing or reserved to the United States under leases issued pursuant to this Act, as amended: *Provided further*, That in selling such royalty oil the Secretary of the Interior may at his discretion prorate such oil among such refineries in the area in which the oil is produced: *Provided further*, That pending the making of a permanent contract for the sale of any royalty, oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And Provided further*, That any royalty, oil, or gas may be sold at not less than the market price at private sale to any department or agency of the United States. (As amended July 13, 1946, ch. 574, 60 Stat. 533.)

Act July 13, 1946, amended section by inserting first two provisos which were enacted in order to assist small business enterprise by encouraging the operation of oil refineries not having an adequate supply of crude oil.



**§ 194. Fees and commissions of registers.**

**Transfer of functions.**—Registers of district land offices were abolished and their functions transferred to managers of district land offices under the Bureau of Land Management by 1945 Reorg. Plan. No. 3, § 403, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1100, and regulations thereunder.

**§ 209. Waiver, suspension or reduction of rentals or royalties; extension of lease on suspension of operations.**

Act Aug. 8, 1946, ch. 916, § 10, 60 Stat. 957, amended section by inserting provision for Secretary of Interior to waive, suspend or reduce royalties or rentals, and providing for applicability to cooperative or unit plans.

**§ 223a. Repealed. Aug. 8, 1946, ch. 916, § 14, 60 Stat. 958.**

Saving clause, see note under section 181 of this title.

**§ 225. Condition of lease; forfeiture for violation.**—All leases of lands containing oil or gas, made or issued under the provisions of sections 181-184, 185-188, 189-194, 201, 202-209, 211-214, 223, 224-226, 226e, 227-229a, 241, 251, 261-263 of this title, shall be subject to the condition that the lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the lease, to be enforced as provided in said sections. (As amended Aug. 8, 1946, ch. 916, § 2, 60 Stat. 951.)

Act Aug. 8, 1946, cited to text amended section principally by omitting the condition that no wells should be drilled within two hundred feet of the boundaries of the leased lands.

Saving clause, see note under section 181 of this title.

**§ 226. Lease of oil or gas lands; royalties and annual rentals; drainage agreements.**—All lands subject to disposition under sections 181-184, 185-188, 189-194, 201, 202-209, 211-214, 223, 224-226, 226d, 226e, 227-229, 241, 251, 261-263 of this title which are known or believed to contain oil or gas deposits may be leased by the Secretary of the Interior. When the lands to be leased are within any known geological structure of a producing oil or gas field, they shall be leased to the highest responsible qualified bidder by competitive bidding under general regulations, in units of not exceeding six hundred and forty acres, which shall be as nearly compact in form as possible, upon the payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease which shall not be less than 12½ per centum in amount or value of the production removed or sold from the lease. When the lands to be leased are not within any known geological structure of a producing oil or gas field, the person first making application for the lease who is qualified to hold a lease under said sections shall be entitled to a lease of such lands without competitive bidding. Such leases shall be conditioned upon the payment by the lessee of a royalty of 12½ per centum in amount or value of the production removed or sold from the lease. Leases issued under this section shall be for a primary term of five years and shall continue so long thereafter as oil or gas is produced in paying quantities.



Any lease issued under said sections upon which there is production during or after the primary term shall not terminate when such production ceases if diligent drilling operations are in progress on the land under lease during such period of nonproduction.

“Upon the expiration of the primary term of any noncompetitive lease maintained in accordance with applicable statutory requirements and regulations, the record titleholder thereof shall be entitled to a single extension of the lease, unless then otherwise provided by law, for such lands covered by it as are not on the expiration date of the lease within the known geological structure of a producing oil or gas field or withdrawn from leasing under this section. A withdrawal, however, shall not affect the right to an extension if actual drilling operations on such lands were commenced prior thereto and were being diligently prosecuted on such expiration date. No withdrawal shall be effective within the meaning of this section until ninety days after notice thereof shall be mailed, registered mail, to each lessee to be affected by such withdrawal. Such extension shall be for a period of five years and so long thereafter as oil and gas is produced in paying quantities and shall be subject to such rules and regulations as are in force at the expiration of the initial five-year term of the lease. No extension shall be granted unless an application therefor is filed by the record titleholder within a period of ninety days prior to such expiration date. Any noncompetitive lease which is not subject to such extension in whole or in part because the lands covered thereby are within the known geologic structure of a producing oil or gas field at the date of expiration of the primary term of the lease, and upon which drilling operations are being diligently prosecuted on such expiration date, shall continue in effect for a period of two years and so long thereafter as oil or gas is produced in paying quantities.

All leases issued under this section shall be conditioned upon the payment by the lessee in advance of a rental of not less than 25 cents per acre per annum. A minimum royalty of \$1 per acre in lieu of rental shall be payable at the expiration of each lease year beginning on or after a discovery of oil and gas in paying quantities on the lands leased: *Provided*, That in the case of lands not within any known geological structure of a producing oil or gas field, the rentals for the second and third lease years shall be waived unless a valuable deposit of oil or gas be sooner discovered.

Whenever it appears to the Secretary of the Interior that lands owned by the United States are being drained of oil or gas by wells drilled on adjacent lands, he is authorized and empowered to negotiate agreements whereby the United States, or the United States and its lessees, shall be compensated for such drainage, such agreements to be made with the consent of the lessees affected thereby and the primary term of any lease for which compensatory royalty is being paid shall be extended by adding thereto a period equal to the period during which such compensatory royalty is paid. (As amended Aug. 8, 1946, ch. 916, § 3, 60 Stat. 951.)

Act Aug. 8, 1946, cited to text, amended section principally by substituting, with respect to the leasing of lands not within a known geological structure of a producing oil or gas field, a royalty rate of 12½ per cent without further provision as to lease terms or quantity of production; by substituting a minimum royalty of \$1 per acre per annum after discovery for the advance rental



of not less than 25 cents per acre per annum required prior to discovery; by providing that all leases shall be for a primary term of 5 years which shall continue thereafter for so long as oil or gas is produced in paying quantities, and that leases, with certain exceptions, shall be subject to one renewal for 5 years, and, if not subject to renewal, shall extend for an additional 2 years if diligent operations are in progress at the lease expiration date.

Saving clause, see note under section 181 of this title.

**§ 226a. Repealed.** Aug. 8, 1946, ch. 916, § 14, 60 Stat. 958.

Provisions of section are now covered by section 226 of this title.

Saving clause, see note under section 181 of this title.

**§ 226b. Repealed.** Aug. 8, 1946, ch. 916, § 14, 60 Stat. 958.

Section, act July 29, 1942, ch. 534, § 1, as amended by acts Dec. 22, 1943, ch. 376, 57 Stat. 608; Sept. 27, 1944, ch. 429, 58 Stat. 755; Nov. 30, 1945, ch. 495, 59 Stat. 587, related to preference right to new oil and gas lease upon expiration of five-year noncompetitive oil and gas lease, and is now covered by section 226 of this title.

Saving clause, see note under section 181 of this title.

**§ 226c. Reduction of royalties under existing leases.**—From and after August 8, 1946, the royalty obligation to the United States under all leases requiring payment of royalty in excess of 12½ per centum, except leases issued or to be issued upon competitive bidding, is reduced to 12½ per centum in amount or value of production removed or sold from said leases as to (1) such leases, or such part of the lands subject thereto, and the deposits underlying the same, as are not believed to be within the productive limits of any oil or gas deposit, as such productive limits are bound by the Secretary to exist on August 8, 1946, and (2) any production on a lease from an oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease, and which is determined by the Secretary to be a new deposit; and (3) any production on or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered after May 27, 1941, on land committed to such agreement, and which is determined by the Secretary to be a new deposit, where such lease was included in such agreement at the time of discovery, or was included in a duly executed and filed application for the approval of such agreement at the time of discovery. (Aug. 8, 1946, ch. 916, § 12, 60 Stat. 957.)

Saving clause, see note under section 181 of this title.

**§ 226d. Exchange of leases; royalties.**—The Secretary of the Interior shall, upon timely application therefor, issue a new lease in exchange for any lease issued for a term of twenty years, or any renewal thereof, or any lease heretofore issued in exchange for a twenty-year lease, such new lease to be for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities and at a royalty rate of not less than 12½ per centum in amount or value of the production removed or sold from such leases, except that the royalty rate shall be 12½ per centum in amount or value of the production removed or sold from said leases, as to (1) such leases, or such part of the lands subject thereto, and the deposits underlying the same, as are not believed to be within the productive limits of any producing oil or gas deposit, as such productive limits are found by the Secretary to exist on the effective date of this section, and (2) any production on a lease from an oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease, and



which is determined by the Secretary to be a new deposit; and (3) any production on or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered after May 27, 1941, on land committed to such agreement, and which is determined by the Secretary to be a new deposit, where such lease, or a lease for which it is exchanged, was included in such agreement at the time of discovery, or was included in a duly executed and filed application for the approval of such agreement at the time of discovery. (Aug. 8, 1946, ch. 916, § 4, 60 Stat. 952.)

Saving clause, see note under section 181 of this title.

**§ 226 (e) Cooperative or unit plans; regulations; approval of contracts; prevention of waste.**—For the purpose of more properly conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof (whether or not any part of said oil or gas pool, field, or like area, is then subject to any cooperative or unit plan of development or operation), lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of such pool, field, or like area, or any part thereof, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest. The Secretary is thereunto authorized, in his discretion, with the consent of the holders of leases involved, to establish, alter, change, or revoke drilling, producing, rental, minimum royalty, and royalty requirements of such leases and to make such regulations with reference to such leases, with like consent on the part of the lessees, in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of the public interest. The Secretary may provide that oil and gas leases hereafter issued under sections 181–184, 185–188, 189–194, 201, 202–209, 211–214, 233, 224–226, 226d, 226e, 227–229a, 241, 251, 261–263 of this title shall contain a provision requiring the lessee to operate under such a reasonable cooperative or unit plan, and he may prescribe such a plan under which such lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States.

Any plan authorized by the preceding paragraph, which includes lands owned by the United States, may in the discretion of the Secretary, contain a provision whereby authority is vested in the Secretary of the Interior, or any such person, committee, or State or Federal officer or agency as may be designated in the plan, to alter or modify from time to time the rate of prospecting and development and the quantity and rate of production under such plan. All leases operated under any such plan approved or prescribed by the Secretary shall be excepted in determining holdings or control under the provisions of any of said sections.

When separate tracts cannot be independently developed and operated in conformity with an established well-spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land com-



prising the drilling or spacing unit when determined by the Secretary of the Interior to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each such lease committed thereto.

Any lease issued for a term of twenty years, or any renewal thereof, or any portion of such lease that has become the subject of a cooperative or unit plan of development or operation of a pool, field, or like area, which plan has the approval of the Secretary of the Interior, shall continue in force until the termination of such plan. Any other lease issued under any of said sections which is committed to any such plan that contains a general provision for allocation of oil or gas shall continue in force and effect as to the land committed so long as the lease remains subject to the plan, provided oil or gas is discovered under the plan prior to the expiration date of the primary term of such lease. The minimum royalty or discovery rental under any lease that has become subject to any cooperative or unit plan of development or operation, or other plan that contains a general provision for allocation of oil or gas, shall be payable only with respect to the lands subject to such lease to which oil or gas shall be allocated under such plan. Any lease which shall be eliminated from any such approved or prescribed plan, or from any communitization or drilling agreement authorized by this section, and any lease which shall be in effect at the termination of any such approved or prescribed plan, or at the termination of any such communitization or drilling agreement, unless relinquished, shall continue in effect for the original term thereof, but for not less than two years, and so long thereafter as oil or gas is produced in paying quantities.

The Secretary of the Interior is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more lessees of oil or gas leases, with one or more persons, associations, or corporations, whenever, in his discretion and regardless of acreage limitations provided for in said sections, the conservation of natural products or the public convenience or necessity may require it or the interests of the United States may be best subserved thereby.

The Secretary of the Interior, to avoid waste or to promote conservation of natural resources, may authorize the subsurface storage of oil or gas, whether or not produced from federally owned lands, in lands leased or subject to lease under said sections. Such authorization may provide for the payment of a storage fee or rental on such stored oil or gas, or, in lieu of such fee or rental, for a royalty other than that prescribed in the lease when such stored oil or gas is produced in conjunction with oil or gas not previously produced. Any lease on which storage is so authorized shall be extended at least for the period of storage and so long thereafter as oil or gas not previously produced is produced in paying quantities. (Aug. 8, 1946, ch. 916, § 5, 60 Stat. 952.)

Saving clause, see note under section 181 of this title.

### §§ 227-229.

**Transfer of functions.**—The General Land Office was abolished and its functions transferred to the Bureau of Land Management by 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1100, and regulations thereunder. See note under section 1 of title 43.

**Cross references.**—Surrender of leases see section 188a of this title.



**§ 236b. Leases within naval petroleum reserves; effect of other laws.**—Nothing in sections 181–184, 185–188, 189–194, 201, 202–209, 211–214, 223, 224–226, 226d, 226e, 227–229a, 241, 251, 261–263 of this title shall be construed as affecting existing leases within the borders of the naval petroleum reserves, or agreements concerning operations thereunder or in relation thereto, but the Secretary of the Navy is authorized, with the consent of the President, to enter into agreements such as those provided for in section 226e of this title, which agreements shall not, unless expressed therein, operate to extend the term of any lease affected thereby. (Aug. 8, 1946, ch. 916, § 13, 60 Stat. 958.)

**§§ 261–263.**

Surrender of leases, see section 188a of this title.

**§ 285. Laws applicable.**—The general provisions of sections 182–184, 185–188, 189–194, inclusive, of this title, are made applicable to permits and leases under sections 281–284 of this title. (As amended Aug. 8, 1946, ch. 916, § 11, 60 Stat. 957.)

Act Aug. 8, 1946, cited to text, amended section by excluding the incorporation, by reference, of section 181 of this title, the latter section having been amended by said act Aug. 8, 1946, to include deposits of potassium.

Saving clause, see note under section 181 of this title.



## TITLE 31—MONEY AND FINANCE

### The National Budget and Audit System—Audit and Settlement of Accounts

- Sec.  
82h. Disbursing and certifying officers; exemption from liability for advances to defense relocation corporations.  
119. Repealed.  
149–150. Provisions of permanent appropriations repeal act concerning unpaid checks.  
215–217. Repealed.

### The Public Moneys

528. Duplicates for lost, stolen, destroyed, mutilated or defaced checks.  
529. Advances of public moneys; prohibition against.

### Financial Control of Government Corporations (New)

841. Declaration of policy.  
846. Definition of “wholly owned Government corporation.”  
847. Preparation of annual budget program; form, content, manner of presentation.  
848. Transmission of budget programs to Congress; amendments; effective date.  
849. Consideration of programs by Congress; enactment of necessary legislation; effect of section on existing authority of corporations.  
850. Audit of financial transactions; rules and regulations; retention of certain powers of Tennessee Valley Authority; place of audit; access to books, etc., effective date.  
851. Audit report to Congress; scope and contents; specific itemization of operations without color of authority; copies to President, etc.  
852. Corporation deemed Government agency; approval by Congress; effect; entity unaffected.  
856. Definition of “mixed-ownership Government corporations.”  
857. Audit of financial transactions; rules and regulations; place of audit; access to books, records, etc. effective date.  
858. Audit report to Congress; scope and contents; specific itemization of operations without color of authority; copies to President, etc.  
859. Presidential recommendations as to return of Government capital to Treasury.  
866. Auditing expenses.  
867. Depository for banking or checking accounts; exemption of temporary accounts and accounts of certain corporations.  
868. Bonds, notes and debentures, etc.  
869. Creation, organization, or acquisition of corporations; liquidation reincorporation.

## THE NATIONAL BUDGET AND AUDIT SYSTEM

### AUDIT AND SETTLEMENT OF ACCOUNTS

§ 82h. Disbursing and certifying officers; exemption from liability for advances to defense relocation corporations.—The Comptroller General of the United States is authorized and directed to allow credit in the accounts of disbursing and certifying officers for advances made in good faith on behalf of the Department of Agriculture to defense relocation corporations and land purchasing associations. (Aug. 14, 1946, ch. 964, § 6, 60 Stat. 1079.)



**§ 119. Repealed.** Dec. 3, 1945, ch. 515, § 2, 59 Stat. 594, eff. Dec. 1, 1945.

Section, amended by act June 10, 1921, ch. 18, § 304, 42 Stat. 24, is now covered by section 528 of this title.

**§§ 149, 150.**—Provisions of Permanent Appropriations Repeal Act concerning unpaid checks, see section 725t of this title.

**§§ 215–217. Repealed.** Aug. 2, 1946, ch. 753, title IV, § 424 (a), 60 Stat. 846.

#### THE PUBLIC MONEYS

**§ 528. Duplicates for lost, stolen, destroyed, mutilated or defaced checks—(a) Issuance of duplicates; bond of indemnity; liability for erroneous issuance.**—Except as provided in this section, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued to transfer the amount of the original check from the account of the drawer to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and to issue against such special deposit account to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided*, That nothing contained in this section shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: *And provided further*, That the authority conferred in this section to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be exercised without limitation of time.

**(b) Exceptions.**—An undertaking of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the postal service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the postal service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in



accordance with the regulations issued under the provisions of sections 134-134h of this title, this section, and section 738a of this title; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is not more than \$200; (5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation, the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require an undertaking of indemnity if he deems it essential to the public interest.

**(c) Checks drawn on depositaries in foreign countries or United States Territories and possessions; liability for erroneous issuance.**—Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depositary in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing contained in this section shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

**(d) Rules and regulations.**—The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

**(e) Post Office Department check.**—Notwithstanding the provisions of subsections (a), (b), (c), and (d) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a



substitute, marked “duplicate” and showing the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided*, That when such original check does not exceed in amount the sum of \$100 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check

**(f) Payment of substitute check.**—Substitutes issued under this section, drawn on the Treasurer of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be deemed to be original checks and shall be payable under the conditions set forth in section 725t of this title. Substitutes for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws shall be payable without limitation of time.

**(g) Definitions.**—The term “original check” wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (e) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

**(h) Delegation and redelegation of authority.**—Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other department or agency of the Government or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not inconsistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate any power, authority, or discretion conferred upon him pursuant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank. (As amended Dec. 3, 1945, ch. 515, § 1, 59 Stat. 592.)

#### AMENDMENTS

1945—Subsec. (a) amended generally by act Dec. 3, 1945, cited to text.

Subsec. (b) amended by act Dec. 3, 1945, cited to text, which amended entire subsec. generally.

Subsec. (c) added by act Dec. 3, 1945, cited to text.



Subsec. (d), formerly subsec. (c), was relettered and reenacted without change by act Dec. 3, 1945, cited to text.

Subsec. (e), formerly subsec. (d), was relettered, "(c), and (d)" was substituted for "and (d)" following "subsections (a), (b)," and "\$100" was substituted for "\$50" in proviso by act Dec. 3, 1945, cited to text.

Subsec. (f), formerly subsec. (e), was relettered and amended generally by act Dec. 3, 1945, cited to text.

Subsec. (g), formerly subsec. (f), amended by act Dec. 3, 1945, cited to text, which relettered subsec. (f) to be subsec. (g) and substituted "subsection (e)" for "subsection (d)" following "as used in."

Subsec. (h) added by act Dec. 3, 1945, cited to text.

#### EFFECTIVE DATE

Section 3 of act Dec. 3, 1945, cited to text, provided that this section should become effective on Dec. 1, 1945.

**§ 529. Advances of public moneys; prohibition against.**—No advance of public money shall be made in any case unless authorized by the appropriation concerned or other law. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected. (As amended Aug. 2, 1946, ch. 744, § 11, 60 Stat. 809.)

Act Aug. 2, 1946, cited to text, qualified first sentence to permit advances authorized by an appropriation or other law.

This section is made inapplicable to subscription charges for newspapers, magazines and other periodicals for official use by section 118b of title 5.

Advances of public money to various agencies of the Government, see sections 532, 533, 534, 535, 536, 539, 542, 550 of this title.

Department of Agriculture employees stationed abroad, payment of official expenses in advance, see section 543b of Title 5, Executive Departments and Government Officers and Employees.

### FINANCIAL CONTROL OF GOVERNMENT CORPORATIONS (NEW)

#### SUBCHAPTER I.—PURPOSES.

**§ 841. Declaration of policy.**—It is declared to be the policy of the Congress to bring Government corporations and their transactions and operation under annual scrutiny by the Congress and provide current financial control thereof. (Dec. 6, 1945, ch. 557, § 2, 59 Stat. 597.)

#### POPULAR NAME

Congress in enacting this legislation provided by section 1 of act Dec. 6, 1945, cited to text, that the title of this act should be the "Government Corporation Control Act."

#### SUBCHAPTER II—WHOLLY OWNED GOVERNMENT CORPORATIONS

**§ 846. Definition of "wholly owned Government corporation."**—As used in this chapter the term "wholly owned Government corpora-



tion” means the Commodity Credit Corporation; Federal Intermediate Credit Banks; Production Credit Corporations; Regional Agricultural Credit Corporation; Farmers Home Corporation; Federal Crop Insurance Corporation; Federal Farm Mortgage Corporation; Federal Surplus Commodities Corporation; Reconstruction Finance Corporation; Defense Plant Corporation; Defense Supplies Corporation; Metals Reserve Company; Rubber Reserve Company; War Damage Corporation; Federal National Mortgage Association; the RFC Mortgage Company; Disaster Loan Corporation; Inland Waterways Corporation; Warrior River Terminal Company; The Virgin Islands Company; Federal Prison Industries, Incorporated; United States Spruce Production Corporation; Institute of Inter-American Affairs; Institute of Inter-American Transportation; Inter-American Educational Foundation, Incorporated; Inter-American Navigation Corporation; Prencinradio, Incorporated; Cargoes, Incorporated; Export-Import Bank of Washington; Petroleum Reserves Corporation; Rubber Development Corporation; U. S. Commercial Company; Smaller War Plants Corporation; Federal Public Housing Authority (or United States Housing Authority) and including public housing projects financed from appropriated funds and operations thereof; Defense Homes Corporation; Federal Savings and Loan Insurance Corporation; Home Owners’ Loan Corporation; United States Housing Corporation; Panama Railroad Company; Tennessee Valley Authority; and Tennessee Valley Associated Cooperatives, Incorporated. (Dec. 6, 1945, ch. 557, title I, § 101, 59 Stat. 597.)

**§ 847. Preparation of annual budget program; form, content, and manner of presentation.**—Each wholly owned Government corporation shall cause to be prepared annually a budget program, which shall be submitted to the President through the Bureau of the Budget on or before September 15 of each year. The Bureau of the Budget, under such rules and regulations as the President may establish, is authorized and directed to prescribe the form and content of, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provision for emergencies and contingencies, in order that the corporation may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the corporation for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the corporation. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses, estimates of borrowings, and estimates of the amount of Government capital funds which shall be returned to the Treasury during the fiscal year or the appropriations required to provide for the restoration of capital impairments. (Dec. 6, 1945, ch. 557, title I, § 102, 59 Stat. 598.)



**§ 848. Transmission of budget programs to Congress; amendments; effective date.**—The budget programs of the corporations as modified, amended, or revised by the President shall be transmitted to the Congress as a part of the annual Budget required by sections 1, 2, 11, 13-18, 20-24, 41-55, 471, and 581 of this title. Amendments to the annual budget programs may be submitted from time to time.

Budget programs shall be submitted for all wholly owned Governmentment corporations covering operations for the fiscal year commencing July 1, 1946, and each fiscal year thereafter. (Dec. 6, 1945, ch. 557, title I, § 103, 59 Stat. 598.)

**§ 849. Consideration of programs by Congress; enactment of necessary legislation; effect of section on certain existing authority of corporations.**—The budget programs transmitted by the President to the Congress shall be considered and if necessary, legislation shall be enacted making available such funds or other financial resources as the Congress may determine. The provisions of this section shall not be construed as preventing wholly owned Government corporations from carrying out and financing their activities as authorized by existing law, nor shall any provisions of this section be construed as affecting in any way the provisions of section 831 of Title 16. The provisions of this section shall not be construed as affecting the existing authority of any wholly owned Government corporation to make contracts or other commitments without reference to fiscal-year limitations. (Dec. 6, 1945, ch. 557, title I, § 104, 59 Stat. 598.)

**§ 850. Audit of financial transactions; rules and regulations; retention of certain powers of Tennessee Valley Authority; place of audit; access to books, records, etc.; effective date.**—The financial transactions of wholly owned Government corporations shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States: *Provided*, That such rules and regulations may provide for the retention at the offices of such corporations, in whole or in part, of any accounts of accountable officers, covering corporate financial transactions, which are required by existing law to be settled and adjusted in the General Accounting Office, and for the settlement and adjustment of such accounts in whole or in part upon the basis of examinations in the course of the audit provided by this section, but nothing in this proviso shall be construed as affecting the powers reserved to the Tennessee Valley Authority in section 831h (b) of Title 16. The audit shall be conducted at the place or places where the accounts of the respective corporations are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the respective corporations and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The audit shall begin with the first fiscal year commencing after the enactment of this chapter. (Dec. 6, 1945, ch. 557, title I, § 105, 59 Stat. 599.)



**§ 851. Audit report to Congress; scope and contents; specific itemization of operations without color of authority; copies to President, etc.**—A report of each such audit for each fiscal year ending on June 30 shall be made by the Comptroller General to the Congress not later than January 15 following the close of the fiscal year for which such audit is made. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of the several corporations, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital noted in the audit and recommendations for the return of such Government capital or the payment of such dividends as, in his judgment, should be accomplished. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary of the Treasury, and to the corporation concerned at the time submitted to the Congress. (Dec. 6, 1945, ch. 557, title I, § 106, 59 Stat. 599.)

**§ 852. Corporation deemed Government agency; approval by Congress; effect; entity unaffected.**—Whenever it is deemed by the Director of the Bureau of the Budget, with the approval of the President, to be practicable and in the public interest that any wholly owned Government corporation be treated with respect to its appropriations, expenditures, receipts, accounting, and other fiscal matters as if it were a Government agency other than a corporation, the Director shall include in connection with the budget program of such corporation in the Budget a recommendation to that effect. If the Congress approves such recommendation in connection with the budget program for any fiscal year, such corporation, with respect to subsequent fiscal years, shall be regarded as an establishment other than a corporation for the purposes of sections 1, 2, 11, 13–18, 20–24, 41–55, 471, and 581 of this title, and other provisions of law relating to appropriations, expenditures, receipts, accounts, and other fiscal matters, and shall not be subject to the provisions of this chapter other than this section. The corporate entity shall not be affected by this section. (Dec. 6, 1945, ch. 557, title I, § 107, 59 Stat. 599.)

#### SUBCHAPTER III—MIXED-OWNERSHIP GOVERNMENT CORPORATIONS

**§ 856. Definition of “mixed-ownership Government corporations.”**—As used in this chapter the term “mixed-ownership Government corporations” means (1) the Central Bank for Cooperatives and the Regional Banks for Cooperatives, (2) Federal Land Banks, (3) Federal Home Loan Banks, and (4) Federal Deposit Insurance Corporation. (Dec. 6, 1945, ch. 557, title II, § 201, 59 Stat. 600.)

**§ 857. Audit of financial transactions; rules and regulations; place of audit; access to books, records, etc.; effective date.**—The



financial transactions of mixed-ownership Government corporations for any period during which Government capital has been invested therein shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the respective corporations are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by respective corporations and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The audit shall begin with the first fiscal year commencing after the enactment of this chapter. (Dec. 6, 1945, ch. 557, title II, § 202, 59 Stat. 600.)

**§ 858. Audit report to Congress; scope and contents; specific itemization of operations without color of authority; copies to President, etc.**—A report of each such audit for each fiscal year ending on June 30 shall be made by the Comptroller General to the Congress not later than January 15, following the close of the fiscal year for which such audit is made. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of, and the use of Government capital by, each such corporation, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit and recommendations for the return of such Government capital or the payment of such dividends as, in his judgment, should be accomplished. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary of the Treasury, and to the corporation concerned at the time submitted to the Congress. (Dec. 6, 1945, ch. 557, title II, § 203, 59 Stat. 600.)

**§ 859. Presidential recommendations as to return of Government capital to Treasury.**—The President shall include in the annual Budget any recommendations he may wish to make as to the return of Government capital to the Treasury by any mixed-ownership corporation. (Dec. 6, 1945, ch. 557, title II, § 204, 59 Stat. 601.)

#### SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

**§ 866. Auditing expenses—(a) Payment by General Accounting Office; reimbursement; disposition of reimbursing funds; utilization of reports.**—The expenses of auditing the financial transactions of wholly owned and mixed-ownership Government corporations as



provided in sections 850 and 857 of this title shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary are authorized: *Provided*, That each such corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General, and the General Accounting Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts: *Provided further*, That in making the audits provided in said sections the Comptroller General shall, to the fullest extent deemed by him to be practicable, utilize reports of examinations of Government corporations made by a supervising administrative agency pursuant to law.

**(b) Employment of personnel; compensation.**—For the purpose of conducting such audit the Comptroller General is authorized in his discretion to employ not more than ten persons without regard to sections 661–663, 664–673 and 674 of Title 5, only one of whom may be compensated at a rate of as much as but not more than \$10,000 per annum, and to employ by contract, without regard to section 5 of Title 41, professional services of firms and organizations for temporary periods or for special purposes.

**(c) Audit authorization.**—The audit provided in sections 850 and 857 of this title shall be in lieu of any audit of the financial transactions of any Government corporation required to be made by the General Accounting Office for the purpose of a report to the Congress or to the President under any existing law.

**(d) Limitation of payment for private audits; exception.**—Unless otherwise expressly provided by law, no funds of any Government corporation shall be used to pay the cost of any private audit of the financial records of the offices of such corporation, except the cost of such audits contracted for and undertaken prior to April 25, 1945. (Dec. 6, 1945, ch. 557, title III, § 301, 59 Stat. 601.)

**§ 867. Depositary for banking or checking accounts; exemption of temporary accounts and accounts of certain corporations.**—The banking or checking accounts of all wholly owned and mixed-ownership Government corporations shall be kept with the Treasurer of the United States, or, with the approval of the Secretary of the Treasury, with a Federal Reserve bank, or with a bank designated as a depositary or fiscal agent of the United States: *Provided*, That the Secretary of the Treasury may waive the requirements of this section under such conditions as he may determine: *And provided further*, That this section will not apply to the establishment and maintenance in any bank for a temporary period of banking and checking accounts not in excess of \$50,000 in any one bank. The provisions of this section shall not be applicable to Federal Intermediate Credit Banks, Production Credit Corporations, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, or the Federal Land Banks, except that each such corporation shall be required to report annually to the Secretary of the Treasury the names of the depositaries in which such corporation keeps a banking or checking account, and the Secretary of the Treasury may make a report in writing to the corporation, to the President, and to the Congress which he deems advisable upon receipt of any such annual report. (Dec. 6, 1945, ch. 557, title III, § 302, 59 Stat. 601.)



**§ 868. Bonds, notes, and debentures, etc.—(a) Maturity dates, interest rates, terms and conditions.**—All bonds, notes, debentures, and other similar obligations which are on or after December 6, 1945, issued by any wholly owned or mixed-ownership Government corporation and offered to the public shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, shall be issued in such manner and at such times and sold at such prices as have been or as may be approved by the Secretary of the Treasury.

**(b) Limitations on sale and purchase; waiver.**—On or after December 6, 1945, no wholly owned or mixed-ownership Government corporation shall sell or purchase any direct obligation of the United States or obligation guaranteed as to principal or interest, or both, for its own account and in its own right and interest, at any one time aggregating in excess of \$100,000, without the approval of the Secretary of the Treasury: *Provided*, That the Secretary of the Treasury may waive the requirement of his approval with respect to any transaction or classes of transactions subject to the provisions of this subsection for such period of time and under such conditions as he may determine.

**(c) Delegation of authority by Secretary of the Treasury.**—The Secretary of the Treasury is authorized to exercise any of the functions vested in him by this section through any officer, or employee of any Federal agency whom he may designate, with the concurrence of the head of the agency concerned for such purpose.

**(d) Exemption of corporations under certain conditions; exemption of certain corporations.**—Any mixed-ownership Government corporation from which Government capital has been entirely withdrawn shall not be subject to the provisions of section 867 of this title or of this section during the period such corporation remains without Government capital. The provisions of subsections (a) and (b) of this section shall not be applicable to Federal Intermediate Credit Banks, Production Credit Corporations, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, or the Federal Land Banks, except that each such corporation shall be required to consult with the Secretary of the Treasury prior to taking any action of the kind covered by the provisions of subsections (a) and (b) of this section, and in the event an agreement is not reached, the Secretary of the Treasury may make a report in writing to the corporation, to the President, and to the Congress stating the grounds for his disagreement. (Dec. 6, 1945, ch. 557, title III, § 303, 59 Stat. 601.)

**§ 869. Creation, organization, or acquisition of corporations; liquidation of certain corporations; reincorporation.**—(a) No corporation shall be created, organized, or acquired on or after December 6, 1945, by any officer or agency of the Federal Government or by any Government corporation for the purpose of acting as an agency or instrumentality of the United States, except by Act of Congress or pursuant to an Act of Congress specifically authorizing such action.

(b) No wholly owned Government corporation created by or under the laws of any State, Territory, or possession of the United States or any political subdivision thereof, or under the laws of the District of Columbia, shall continue after June 30, 1948, as an agency or instrumentality of the United States, and no funds of, or obtained from, the United States or any agency thereof, including corporations,



shall be invested in or employed by any such corporation after that date, except for purposes of liquidation. The proper corporate authority of every such corporation shall take the necessary steps to institute dissolution or liquidation proceedings on or before that date: *Provided*, That prior thereto any such corporation may be reincorporated by Act of Congress for such purposes and term of existence and with such powers, privileges, and duties as authorized by such Act, including the power to take over the assets and assume the liabilities of its respective predecessor corporation. (Dec. 6, 1945, ch. 557, title III, § 304, 59 Stat. 602.)



## TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

### World War II Servicemen's Readjustment Benefits

§ 694e. Secondary loans; amount; regulations; eligibility for farm tenant loans.

### WORLD WAR II SERVICEMEN'S READJUSTMENT BENEFITS

§ 694e. Secondary loans; amount; regulations; eligibility for farm tenant loans.

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(b) Any person who is a veteran eligible for the benefits of this subchapter, as provided in section 694 of this title, and who is found by the Secretary of Agriculture, by reason of his ability and experience, including training as a vocational trainee, to be likely to carry out successfully undertakings required of him under a loan which may be made under sections 1000–1003, 1004–1029 of Title 7, shall be eligible for the benefits of such sections to the same extent as if he were a farm tenant. (June 22, 1945, ch. 268, title III, § 505, 58 Stat. 293, as amended Dec. 28, 1945, ch. 588, § 8, 59 Stat. 629.)

### AMENDMENTS

Act Dec. 28, 1945 amended section generally and among other changes added subsec. (e).

Subsec. (d) added by act Oct. 6, 1945.

Effective date of 1945 amendment; Loans under prior provisions. Section 510 of act June 22, 1944, as amended by Section 8 of Act Dec. 28, 1945, provided: "This title, as amended (subchapter), shall be effective from the date of enactment (June 22, 1944): Provided, That any application for guaranty of a loan filed within ninety days after such date (June 22, 1944) may be approved under the title (subchapter) as it existed prior to amendment: And provided further, That nothing herein shall be construed to affect any contractual right under any certificate of guaranty issued thereunder."



## **TITLE 40—PUBLIC BUILDINGS, PROPERTY AND WORKS**

### **Acquisition of Sites for and Construction of Public Buildings**

Sec.

351. Limitation on funds of wholly owned Government corporations for construction, etc., of office buildings in Washington, D. C. for use of government.

### **Resettlement or Rural-Rehabilitation Projects**

435. Reports to Congress on liquidation of rural rehabilitation projects.  
436. Liquidation of projects by Secretary of Agriculture; preferential distribution of land.  
437. Sales to veterans and present occupants.  
438. Appropriations for disposal of lands; limitation on improvements.  
439. Conveyance of title by Government.

### **ACQUISITION OF SITES FOR AND CONSTRUCTION OF PUBLIC BUILDINGS**

**§ 351. Limitation on funds of wholly owned Government corporations for construction, etc., of office buildings in Washington, D. C., for use of the Government.**—No part of any funds of any wholly owned Government corporation shall be used for the purchase or construction, or in making loans for the purchase or construction of any office building at the seat of government primarily for occupancy by any department or agency of the United States Government or by any corporation owned by the United States Government. (July 20, 1946, ch. 589, Title III, § 302, 60 Stat. 595.)

Wholly owned Government corporation, definition of, see section 846 of Title 31, Money and Finance.

### **EMERGENCY PUBLIC WORKS AND CONSTRUCTION PROJECTS RESETTLEMENT OR RURAL-REHABILITATION PROJECTS**

**§ 435. Reports to Congress on liquidation of rural rehabilitation projects.**—The Secretary of Agriculture shall transmit to the Congress semiannually a progress report with respect to the liquidation of Federal rural rehabilitation projects, under his supervision, showing by name and by States all dispositions of such projects, or parts thereof, together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds. (July 12, 1943, ch. 215, § 1, 57 Stat. 425; June 28, 1944, ch. 296, § 1, 58 Stat. 456; May 5, 1945, ch. 109, § 1, 59 Stat. 160; June 22, 1946, ch. 445, § 1, 60 Stat. 292.)

Act June 22, 1946, cited to text amended section by transferring the duties of the War Food Administrator under this section to the Secretary of Agriculture.

**§ 436. Liquidation of projects by Secretary of Agriculture; preferential distribution of land.**—Notwithstanding any other provision of law, the Secretary of Agriculture, in order to assure the



maximum preferential disposition for a period not to exceed three years from July 30, 1946, to veterans of the present war and present project occupants to whom previous commitments to purchase have been made, is authorized and directed to dispose of lands described in sections 436-439 of this title as expeditiously as possible and within such three-year period such of the lands (improved and unimproved) comprising or incident to those resettlement projects and rural rehabilitation projects for resettlement purposes, and other like enterprises initiated prior to July 30, 1946 for similar purposes and financed, in whole or in part, with funds made available to the Secretary, War Food Administrator, Farm Security Administration, Resettlement Administration, or Federal Emergency Relief Administration, as he determines are suitable for ultimate disposition in economic farm units. Nothing contained in sections 436-439 of this title shall be deemed to authorize retardation of the expeditious liquidation of such lands and all other lands or property comprising such projects insofar as is deemed practicable by the Secretary consistent with the purpose of such sections. (July 30, 1946, ch. 698, § 1, 60 Stat. 711.)

**§ 437. Sales to veterans and present occupants.**—The Secretary, during the period specified in section 436 of this title, shall sell or cause to be sold, units not to exceed six hundred and forty acres in any one sale, those of such lands as are suitable for disposition in economic farm units at the earning capacity value as determined by him and otherwise on such terms as he may deem advisable, to veterans, as defined in sections 1611-1646 of Appendix to Title 50, and present project occupants to whom previous commitments to purchase have been made or who have existing contracts to purchase and who meet the requirements of eligibility specified in sections 1001-1006 of Title 7, as amended. (July 30, 1946, ch. 698, § 2, 60 Stat. 711.)

**§ 438. Appropriations for disposal of lands; limitation on improvements.**—There is authorized to be appropriated such amounts as may be necessary to carry out the purposes of sections 436-439 of this title, including and making<sup>1</sup> betterments and improvements deemed necessary to accomplish the purposes of such sections: *Provided*, That no expenditures shall be made for improvements on any farm unit in excess of one-third of the earning capacity value. (July 30, 1946, ch. 698, § 3, 60 Stat. 711.)

**§ 439. Conveyance of title by Government.**—Any conveyance by the Government of title to land under sections 436-439 of this title shall convey all of the right, title, and interest of the Government in and to such land, including all mineral rights. (July 30, 1946, ch. 698, § 4, 60 Stat. 712.)

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<sup>1</sup> So in original. Probably should read "the making of".



## TITLE 41—PUBLIC CONTRACTS

### General Provisions

Sec.

5. Advertisements for proposals for purchases and contracts for supplies or services for Government departments; application to Government sales and contracts to sell.

### Termination of War Contracts

106. Basis for settlement of termination claims.

### GENERAL PROVISIONS

**§ 5. Advertisements for proposals for purchases and contracts for supplies or services for Government departments; application to Government sales and contracts to sell.**—Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Government may be made or entered into only after advertising a sufficient time previously for proposals, except (1) when the amount involved in any one case does not exceed \$100, (2) when the public exigencies require the immediate delivery of the articles of performance of the service, (3) when only one source of supply is available and the Government purchasing or contracting officer shall so certify, or (4) when the services are required to be performed by the contractor in person and are (A) of a technical and professional nature or (B) under Government supervision and paid for on a time basis. Except (1) as authorized by section 1638 of Appendix to Title 50, (2) when otherwise authorized by law, or (3) when the reasonable value involved in any one case does not exceed \$100, sales and contracts of sale by the Government shall be governed by the requirements of this section for advertising. (As amended Aug. 2, 1946, ch. 744, § 9, 60 Stat. 809.)

Act Aug. 2, 1946, cited to text, among other changes, inserted clauses (1), (3) and (4), and made section applicable to sales and contracts of sale by the government, except in certain cases.

**Application to government corporations.**—Section 9 (c) of act Aug. 2, 1946, cited to text, provided: "In the case of wholly owned Government corporations, this section [section 5 of this title] shall apply to their administrative transactions only."

**Repeal of exemptions.**—Section 9 (b) of act Aug. 2, 1946, cited to text, provided: "Exemptions from section 3709, Revised Statutes [this section], in other law in amounts of \$100 or less are hereby repealed."

### TERMINATION OF WAR CONTRACTS

**§ 106. Basis for settlement of termination claims.—Priority to private contractors.**—(a) It is the policy of the Government, and it shall be the responsibility of the contracting agencies and the Director, to provide war contractors with speedy and fair compensation for the termination of any war contract, in accordance with and subject



to the provisions of this chapter, giving priority to contractors whose facilities are privately owned or privately operated. Such fair compensation for the termination of subcontracts shall be based on the same principles as compensation for the termination of prime contracts.

**(b) Establishment of methods and standards.**—Each contracting agency shall establish methods and standards, suitable to the conditions of various war contractors, for determining fair compensation for the termination of war contracts on the basis of actual, standard, average, or estimated costs, or of a percentage of the contract price based on the estimated percentage of completion of work under the terminated contract, or on any other equitable basis, as it deems appropriate. To the extent that such methods and standards require accounting, they shall be adapted, so far as practicable, to the accounting systems used by war contractors, if consistent with recognized commercial accounting practice.

**(c) Conclusiveness of settlement.**—Any contracting agency may settle all or any part of any termination claim under any war contract by agreement with the war contractor, or by determination of the amount due on the claim or part thereof without such agreement, or by any combination of these methods. Where any such settlement is made by agreement, the settlement shall be final and conclusive, except (1) to the extent otherwise agreed in the settlement; (2) for fraud; (3) upon renegotiation to eliminate excessive profits under section 1191 of Appendix to Title 50, unless exempt or exempted under such section; or (4) by mutual agreement before or after payment. Where any such settlement is made by determination without agreement, it shall likewise be final and conclusive, subject to the same exceptions as if made by agreement, unless the war contractor appeals or brings suit in accordance with section 113 of this title: *Provided*, That no settlement agreement hereunder involving payment to a war contractor of an amount in excess of \$50,000 (or such lesser amount as the Director may from time to time determine) shall become binding upon the Government until the agreement has been reviewed and approved by a settlement review board of three or more members established by the contracting agency in the bureau, division, regional or district office, or other unit of the contracting agency authorized to make such settlement, or in the event of disapproval by the settlement review board, unless approved by the head of such bureau, division, regional or district office, or other unit. Failure of the settlement review board to act upon any settlement within thirty days after its submission to the board shall operate as approval by the board. The sole function of settlement review boards shall be to determine the over-all reasonableness of proposed settlement agreements from the point of view of protecting the interests of the Government. In determining, for purposes of this subsection, whether review of any settlement agreement is required because of the amounts involved, no deduction shall be made on account of credits for property chargeable to the Government or for advance or partial payments, but amounts payable under such settlement agreement for completed articles or work at the contract price and for the discharge of the termination claims of subcontractors shall be deducted.

**(d) Allowable costs.**—Except as hereinafter provided, the methods and standards established under subsection (b) of this section



for determining fair compensation for termination claims which are not settled by agreement shall be designed to compensate the war contractor fairly for the termination of the war contract, taking into account—

(1) the direct and indirect manufacturing, selling and distribution, administrative and other costs and expenses incurred by the war contractor which are reasonably necessary for the performance of the war contract and properly allocable to the terminated portion thereof under recognized commercial accounting practices; and

(2) reasonable costs and expenses of settling termination claims of subcontractors related to the terminated portion of the war contract; and

(3) reasonable accounting, legal, clerical, and other costs and expenses incident to termination and settlement of the terminated war contract; and

(4) reasonable costs and expenses of removing, preserving, storing and disposing of termination inventories; and

(5) such allowance for profit on the preparations made and work done for the terminated portion of the war contract as is reasonable under the circumstances; and

(6) interest on the termination claim in accordance with subsection (f) of this section; and

(7) the contract price and all amounts otherwise paid or payable under the contract.

The following shall not be included as elements of cost:

(i) Losses on other contracts, or from sales or exchanges of capital assets, fees and other expenses in connection with reorganization or recapitalization, antitrust or Federal income-tax litigation, or prosecution of Federal income-tax claims or other claims against the Government (except as provided in paragraph (3) above); losses on investments; provisions for contingencies; and premiums on life insurance where the contractor is the beneficiary.

(ii) The expense of conversion of the contractor's facilities to uses other than the performance of the contract.

(iii) Expenses due to the negligence or willful failure of the contractor to discontinue with reasonable promptness the incurring of expenses after the effective date of the termination notice.

(iv) Costs incurred in respect to facilities, materials, or services purchased or work done in excess of the reasonable quantitative requirements of the entire contract.

The failure specifically to mention in this subsection any item of cost is not intended to imply that it should be allowed or disallowed. The Director may interpret the provisions of this subsection (d) and may provide for the inclusion or exclusion of other costs in accordance with recognized commercial accounting practice.

Where the small size of claims or the nature of production or performance or other factors make it impracticable to apply the principles stated in this subsection (d) to any class of settlements which are subject to this subsection (d), the contracting agencies may establish alternative methods and standards for determining fair compensation for that class of termination claims. The aggregate amount of compensation allowed in accordance with this subsection (excluding amounts allowed under paragraphs (3) and (4) above) shall not



exceed the total contract price reduced by the amount of payments otherwise made or to be made under the contract.

**(e) Settlement by agreement.**—In order to carry out the objectives of this chapter, termination claims shall be settled by agreement to the maximum extent feasible and the methods and standards established under subsection (b) of this section shall be designed to facilitate such settlements. To the extent that he deems it practicable to do so without impeding expeditious settlements, the Director shall require the contracting agencies to take into account the factors enumerated in subsection (d) above in establishing methods and standards for determining fair compensation in the settlement of termination claims by agreement.

**(f) Interest.**—Each contracting agency shall allow and pay interest on the amount due and unpaid from time to time on any termination claim under a prime contract at the rate of  $2\frac{1}{2}$  per centum per annum for the period beginning thirty days after the date fixed for termination and ending with the date of final payment, except that (1) if the prime contractor unreasonably delays the settlement of his claim, interest shall not accrue for the period of such delay, (2) if interest for the period after termination on any advance payment or loan, made or guaranteed by the Government, has been waived for the benefit of the contractor, the amount of the interest so waived allocable to the terminated contract or the terminated part of the contract shall be deducted from the interest otherwise payable hereunder, and (3) if after delivery of findings by a contracting agency, the contractor appeals or sues as provided in section 113 of this title, interest shall not accrue after the thirtieth day following the delivery of the findings on any amount allowed by such findings, unless such amount is increased upon such appeal or suit. In approving, ratifying, authorizing, or making termination settlements with subcontractors, each contracting agency shall allow interest on the termination claim of the subcontractor on the same basis and subject to the same conditions as are applicable to a prime contractor.

**(g) Amendment of contracts.**—Where any war contract does not provide for or provides against such fair compensation for its termination, the contracting agency, either before or after its termination, shall amend such war contract by agreement with the war contractor, or shall authorize, approve, or ratify an amendment of such war contract by the parties thereto, to provide for such fair compensation. (July 1, 1944, ch. 358, § 6, 58 Stat. 652.)

Retroactive effect of this section, see section 124 (a) of this title.

Separability provisions and short title, see note under section 101 of this title.

Settlement of claims for war contract losses incurred between September 16, 1940 and August 14, 1945. Act Aug. 7, 1946, c. 864, §§ 1-6, 60 Stat. 902, provided:

"Where work, supplies, or services have been furnished between September 16, 1940, and August 14, 1945, under a contract or subcontract, for any department or agency of the Government which prior to the latter date was authorized to enter into contracts and amendments or modifications of contracts under section 201 of the First War Powers Act, 1941 [section 611 of Appendix to Title 50], such departments and agencies are hereby authorized, in accordance with regulations to be prescribed by the President within sixty days after the date of approval of this Act [August 7, 1946], to consider, adjust, and settle equitable claims of contractors, including subcontractors and materialmen performing work or furnishing supplies or services to the contractor or another subcontractor, for losses (not including diminution of anticipated profits) incurred between September 16, 1940, and August 14, 1945, without fault or negligence on their



part in the performance of such contracts or subcontracts. Settlement of such claims shall be made or approved in each case by the head of the department or agency concerned or by a central authority therein designated by such head.

“Sec. 2. (a) In arriving at a fair and equitable settlement of claims under this Act [Act August 7, 1946, ch. 864, 60 Stat. 902], the respective departments and agencies shall not allow any amount in excess of the amount of the net loss (less the amount of any relief granted subsequent to the establishment of such loss) on all contracts and subcontracts held by the claimant under which work, supplies, or services were furnished for the Government between September 16, 1940, and August 14, 1945, and shall consider with respect to such contracts and subcontracts (1) action taken under the Renegotiation Act [section 1191 of Appendix to Title 50], the Contract Settlement Act of 1944 [sections 101–125 of this title], or similar legislation; (2) relief granted under section 201 of the First War Powers Act, 1941 [section 611 of Appendix to Title 50], or otherwise; and (3) relief proposed to be granted by any other department or agency under this Act. Wherever a department or agency considering a claim under this Act finds that losses under any such contract or subcontract affected the computation of the amount of excessive profits determined in a renegotiation agreement or order, and to the extent that the department or agency finds such amount was thereby reduced, claims for such losses shall not be allowed under this Act.

“(b) Every claimant under this Act shall furnish to the department or agency concerned any evidence within the possession of such claimant bearing upon the matters referred to in subsection (a) of this section.

“Sec. 3. Claims for losses shall not be considered unless filed with the department or agency concerned within six months after the date of approval of this Act [August 7, 1946], and shall be limited to losses with respect to which a written request for relief was filed with such department or agency on or before August 14, 1945, but a previous settlement under the First War Powers Act, 1941 [sections 601–622 of Appendix to Title 50], or the Contract Settlement Act of 1944 [sections 101–125 of this title] shall not operate to preclude further relief otherwise allowable under this Act.

“Sec. 4. Appropriations or funds available for work, supplies, or services of the character involved in the respective claims at the time of settlement thereof shall be available for payment of the settlements: Provided, That where no such appropriations are available, appropriations for payment of such settlements are hereby authorized.

“Sec. 5. Each department and agency shall report to the Congress quarterly the name of each claimant to whom relief has been granted under this Act, together with the amount of such relief and a brief statement of the facts and the administrative decision.

“Sec. 6. Whenever any claimant under this Act is dissatisfied with the action of a department or agency of the Government in either granting or denying his claim, such claimant shall have the right within six months to file a petition with any Federal district court of competent jurisdiction, asking a determination by the court of the equities involved in such claim; and upon the filing of such a petition, the court, sitting as a court of equity, shall have jurisdiction to determine the amount if any, to which such claimant and petitioner may be equitably entitled (not exceeding the amount which might have been allowed by the department or agency concerned under the terms of this Act) and to enter an order directing such department or agency to settle the claim in accordance with the finding of the court; and thereafter either party may appeal from the decision of the court as in other equity cases.”



## TITLE 42—THE PUBLIC HEALTH AND WELFARE

### School Lunch Programs (New)

Sec.

- 1751. Congressional declaration of policy.
- 1752. Appropriations.
- 1753. Apportionments to States; definition.
- 1754. Nonfood assistance; amount; apportionment.
- 1755. Direct expenditures for agriculture commodities and other funds.
- 1756. Payments to States; matching payments by States.
- 1757. State disbursement to schools; purpose; food costs; limitation.
- 1758. Nutritional and other program requirements; donation of agricultural commodities.
- 1759. Disbursement to nonprofit private schools; conditions.
- 1760. State accounts and records; inspection and audit; period of retention; definition.

### SCHOOL LUNCH PROGRAMS (NEW)

**§ 1751. Congressional declaration of policy.**—It is declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs. (June 4, 1946, ch. 281, § 2, 60 Stat. 230.)

**Short title.**—Congress in enacting this chapter provided by section 1 of act June 4, 1946, cited to text, that it should be popularly known as the "National School Lunch Act".

**§ 1752. Appropriations.**—For each fiscal year, beginning with the fiscal year ending June 30, 1947, there is authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as "the Secretary") to carry out the provisions of this chapter. (June 4, 1946, ch. 281, § 3, 60 Stat. 230.)

**§ 1753. Apportionments to States; definition.**—The sums appropriated for any fiscal year pursuant to the authorization contained in section 1752 of this title, excluding the sum specified in section 5, shall be available to the Secretary for supplying, during such fiscal year, agricultural commodities and other foods for the school-lunch program in accordance with the provisions of this chapter. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the aforesaid funds made available for such year for supplying agricultural commodities and other foods under the provisions of this chapter, except that the total of such apportionments of funds for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for agricultural commodities and other



foods for the school-lunch program. Apportionment among the States shall be made on the basis of two factors: (1) The number of school children in the State and (2) the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State. The amount of the initial apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States; and, finally, apply the figure thus obtained to the total funds to be apportioned. For the purpose of this section, the number of school children in the State shall be the number of children therein between the ages of five and seventeen, inclusive; such figures and per capita income figures shall be the latest figures certified by the Department of Commerce. For the purposes of this chapter, "school" means any public or nonprofit private school of high-school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico. If any State cannot utilize all funds so apportioned to it, or if additional funds are available under this chapter for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. (June 4, 1946, ch. 281, § 4, 60 Stat. 230.)

**§ 1754. Nonfood assistance; amount; apportionment.**—Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 1752 of this title, \$10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this title. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of \$10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards, set forth in section 1753 of this title with respect to the apportionment for agricultural commodities and other foods. The total of such funds apportioned for nonfood assistance for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for nonfood assistance in accordance with the provisions of this chapter. (June 4, 1946, ch. 281, § 5, 60 Stat. 231.)

**§ 1775. Direct expenditures for agricultural commodities and other foods.**—The funds appropriated for any fiscal year for carrying out the provisions of this chapter, less not to exceed 3½ per centum thereof made available to the Secretary for his administrative expenses and less the amount apportioned by him pursuant to sections 1753, 1754, and 1759 of this title, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in the school-lunch program under this chapter in accordance with the needs as determined by the local school authorities. The provisions of law contained in the proviso of section 713c of Title 15, facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 612c of Title 7, shall, to the extent not inconsistent with the provisions of this chapter, also be applicable to expenditures of funds by the Secretary under this chapter. (June 4, 1946, ch. 281, § 6, 60 Stat. 231.)



**§ 1756. Payments to States; matching payments by States.**—Funds apportioned to any State pursuant to sections 1753 or 1754 of this title during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this chapter, as may be entered into by the Secretary and such State educational agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school-lunch program authorized under this chapter. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during such year by \$1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this chapter. Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by \$3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 1759 of this title, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State educational agency and in case of schools receiving funds pursuant to section 1759 of this title, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school-lunch program. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified. (June 4, 1946, ch. 281, § 7, 60 Stat. 232.)

**§ 1757. State disbursement to schools; purpose; food costs; limitation.**—Funds paid to any State during any fiscal year pursuant to sections 1753 or 1754 of this title shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any



school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this chapter during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary. (June 4, 1946, ch. 281, § 8, 60 Stat. 232.)

**§ 1758. Nutritional and other program requirements; donation of agricultural commodities.**—Lunches served by schools participating in the school-lunch program under this chapter shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay. School-lunch programs under this chapter shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program, commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 612c of Title 7 may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this chapter as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities. (June 4, 1946, ch. 281, § 9, 60 Stat. 233.)

**§ 1759. Disbursement to nonprofit private schools; conditions.**—If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this chapter to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 1753 and 1754 of this title the same proportion of the funds as the number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 1756 of this title for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this chapter. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 1756 of this title. (June 4, 1946, ch. 281, § 10, 60 Stat. 233.)

**§ 1760. State accounts and records; inspection and audit; period of retention; definition.**—(a) States, State educational agencies, and schools participating in the school-lunch program under this chapter shall keep such accounts and records as may be necessary to enable the Secretary to determine whether the provisions of this chapter are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and



shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this chapter with respect to the operation of the school-lunch program under this chapter insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this chapter.

(c) In carrying out the provisions of this chapter, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school. If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this chapter shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this chapter.

(d) For the purposes of this chapter—

(1) "State" includes any of the forty-eight States and the District of Columbia, Territory of Hawaii, Puerto Rico, Alaska, and the Virgin Islands.

(2) "State educational agency" means, as the State legislature may determine, (a) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (b) a board of education controlling the State department of education; except that in the District of Columbia it shall mean the Board of Education, and except that for the period ending June 30, 1948, "State educational agency" may mean any agency or agencies within the State designated by the Governor to carry out the functions herein required of a State educational agency.

(3) "Nonprofit private school" means any private school exempt from income tax under section 101 (6) of Title 26.

(4) "Nonfood assistance" means equipment used on school premises in storing, preparing, or serving food for school children. (June 4, 1946, ch. 281, § 11, 60 Stat. 233.)



## TITLE 44—PRINTING AND DOCUMENTS

### Superintendent of Documents

Sec.

71. Superintendent of Documents; sale of documents.

### Advertisements

321. Publication of laws discontinued; proclamation and treaties; advertisements for contracts in District of Columbia.

### Disposition of Records

369. Lists and schedules of records lacking preservation value, etc.

371. Same; disposal of records by head of Government Agency upon notification by Archivist of action by joint congressional committee.

372. Same; disposal of records upon failure of joint congressional committee to act.

377. Regular reports to Congress by Archivist.

### SUPERINTENDENT OF DOCUMENTS: DISTRIBUTION OF DOCUMENTS IN GENERAL

§ 71. Superintendent of Documents; sale of documents.—Act Aug. 7, 1946, ch. 770, § 1 (62), 60 Stat. 871, amended section by repealing provisions of second sentence requiring Superintendent of Documents to report annually to Public Printer as to all sales made by him.

### ADVERTISEMENTS

§ 321. Publication of laws discontinued; proclamations and treaties; advertisements for contracts in District of Columbia.—After March 4, 1875, the laws shall not be published in newspapers. All executive proclamations, and all treaties required by law to be published, shall be published in only one newspaper, the same to be printed and published in the District of Columbia and to be designated by the Secretary of State; and in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia or in the adjoining counties of Maryland or Virginia. (As amended Aug. 2, 1946, ch. 744, § 17 (b), 60 Stat. 811.)

Act Aug. 2, 1946, cited to text, added "or in the adjoining counties of Maryland or Virginia" at end of section.

R. S. §§ 3823, 3824 and 3825, set out in historical note to this section, was repealed by Act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1431.

R. S. § 79 from Act May 8, 1872, ch. 140, § 1, 17 Stat. 66; Act June 20, 1874, ch. 328, 18 Stat. 90; Act June 20, 1874, ch. 334, 18 Stat. 115; Act June 23, 1874, ch. 456, § 4, 18 Stat. 232; Act Feb. 18, 1875, ch. 80, § 1, 18 Stat. 317.



§ 323. Repealed. Aug. 2, 1946, ch. 744, § 17 (a), 60 Stat. 811.

#### DISPOSITION OF RECORDS

§ 369. **Lists and schedules of records lacking preservation value; submission to Congress by Archivist.**—The Archivist shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of section 368 of this title, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the Archivist shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The Archivist may also submit to Congress, together with recommendations of the National Archives Council with respect thereto, and at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative legal, research, or other value to warrant their further preservation by the United States Government. (July 7, 1943, ch. 192, § 4, 57 Stat. 381, as amended July 6, 1945, ch. 273, § 1 (a), 59 Stat. 434.)

#### AMENDMENTS

1945—Act July 6, 1945, cited to text, amended section by adding the second par.

§ 371. **Same; disposal of records by head of Government agency upon notification by Archivist of action by joint congressional committee.**—If the joint committee reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Archivist shall notify the agency or agencies having such records in their custody of the action of the joint committee and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title: *Provided*, That authorization granted pursuant to schedules submitted under the last paragraph of section 369 of this title shall be permissive and not mandatory. (July 7, 1943, ch. 192, § 6, 57 Stat. 381, as amended July 6, 1945, ch. 273, § 1 (b), 59 Stat. 434.)

#### AMENDMENTS

1945—Act July 6, 1945, cited to text, amended section by omitting "the head of" following "shall notify" wherever appearing, inserting "or agencies" following "the agency" wherever appearing, omitting "by which the list or schedule was submitted" and inserting in lieu thereof "having such records in their custody", and by adding proviso.



**§ 372. Same; disposal of records upon failure of joint congressional committee to act.**—If the joint committee fails to make a report during any regular or special session of Congress on any list or schedule submitted to Congress by the Archivist not less than ten days prior to the adjournment of such session, the Archivist may empower the agency or agencies having in their custody records covered by such lists or schedules to cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title. (July 7, 1943, ch. 192, § 7, 57 Stat. 382, as amended July 6, 1945, ch. 273, § 1 (c), 59 Stat. 434.)

## AMENDMENTS

1945—Act July 6, 1945, cited to text, amended section by omitting “the head of the agency who submitted the list or schedule to cause the records listed therein” and inserting in lieu thereof “the agency or \* \* \* cause such records.”

**§ 377. Regular reports to Congress by Archivist.**—The Archivist shall transmit to Congress at the beginning of each regular session reports as to the records authorized for disposal under the provisions of section 372 of this title and as to the records disposed of under the provisions of sections 375 and 376 of this title. (July 7, 1943, ch. 192, § 12, 57 Stat. 382, as amended July 6, 1945, ch. 273, § 1 (d), 59 Stat. 434.)

## AMENDMENTS

1945—Act July 6, 1945, cited to text, amended section by substituting “375” and “376” for “374” and “375”.



## TITLE 49—TRANSPORTATION

### LEGISLATION SUPPLEMENTARY TO "INTERSTATE COMMERCE ACT"

§ 65. **Government traffic; rates.**—(a) Notwithstanding any other provision of law, but subject to the provisions of sections 1 (7) and 22 of this title, the full applicable commercial rates, fares, or charges shall be paid for transportation by any common carrier subject to chapters 1, 8, 12, and 13 of this title of any persons or property for the United States, or on its behalf, and the rate determined by the Interstate Commerce Commission as reasonable therefor shall be paid for the transportation by railroad of the United States mail: *Provided, however,* That any carrier by railroad and the United States may enter into contracts for the transportation of the United States mail for less than such rate: *Provided further,* That section 5 of Title 41, shall not after September 18, 1940, be construed as requiring advertising for bids in connection with the procurement of transportation services when the services required can be procured from any common carrier lawfully operating in the territory where such services are to be performed.

(b) If any carrier by railroad furnishing such transportation, or any predecessor in interest, shall have received a grant of lands from the United States to aid in the construction of any part of the railroad operated by it; the provisions of law with respect to compensation for such transportation shall continue to apply to such transportation as though subsection (a) of this section had not been enacted until such carrier shall file with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have against the United States to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands which have been granted, claimed to have been granted, or which it is claimed should have been granted to such carrier or any such predecessor in interest under any grant to such carrier or such predecessor in interest as aforesaid. Such release must be filed within one year from September 18, 1940. Nothing in this section shall be construed as requiring any such carrier to reconvey to the United States lands which have been heretofore patented or certified to it, or to prevent the issuance of patents confirming the title to such lands as the Secretary of the Interior shall find have been heretofore sold by any such carrier to an innocent purchaser for value or as preventing the issuance of patents to lands listed or selected by such carrier, which listing or selection has heretofore been fully and finally approved by the Secretary of the Interior to the extent that the issuance of such patents may be authorized by law. (Sept. 18, 1940, ch. 722, title III, section 321, 54 Stat. 954, as amended Dec. 12, 1945, ch. 573, section 1, 59 Stat. 606.)

Subsec. (a) amended by Act Dec. 12, 1945, cited to text, which struck out "except that the foregoing provision shall not apply to the transportation of military or naval property of the United States moving



for military or naval and not for civil use or to the transportation of members of the military or naval forces of the United States (or property of such members) when such members are traveling on official duty;" following "or on its behalf".

**Effective date.**—Section 2 of Act Dec. 12, 1945, cited to text, provided: "The amendment made by section 1 of this Act (Dec. 12, 1945, cited to text) shall take effect October 1, 1946: *Provided, however,* That any travel or transportation specifically contracted for prior to such effective date shall be paid for at the rate, fare, or charge in effect at the time of entering into such contract of carriage or shipment."

Former section 65, relating to prison made goods, is now section 60 of this title. It was from Act Jan. 19, 1929, ch. 79, section 1, 45 Stat. 1084.



## TITLE 50—WAR

### Council of National Defense

Sec.

5. Reports of subordinate bodies and committees; unvouchered expenditures.

#### Acquisition and Development Strategic Raw Materials (New)

98. Declaration of policy.  
98a. Strategic and critical materials; determination; quantity and quality; formation and functions of industry advisory committees; subsistence and traveling expenses of members.  
98b. Purchase, storage, refinement, rotation, disposal of materials.  
98c. Reports to Congress.  
98d. Release of stock piling materials.  
98e. Transfer of surplus materials to stock piles; exceptions; payments reduction of amount of obligations of Reconstruction Finance Corp.  
98f. Investigations of domestic ores, minerals, and agriculture resources for purposes of development, etc.  
98g. Appropriations.  
98h. Disposition of receipts.

### COUNCIL OF NATIONAL DEFENSE

**§ 5. Reports of subordinate bodies and committees; unvouchered expenditures.**—Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto. When deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures. (As amended Aug. 7, 1946, ch. 770 § 1 (53), 60 Stat. 870.)

1946 Amendment.—Act Aug. 7, 1946, cited to text, amended section by repealing all provisions requiring annual reports to Congress of the Council's activities and expenditures.

#### ACQUISITION AND DEVELOPMENT STRATEGIC RAW MATERIALS (NEW)

**§ 98. Declaration of policy.**—The natural resources of the United States in certain strategic and critical materials being deficient or insufficiently developed to supply the industrial, military, and naval needs of the country for common defense, it is the policy of the Congress and the purpose and intent of section 98–98g of this title and section 1623 of Appendix to this title to provide for the acquisition and retention of stocks of these materials and to encourage the conservation and development of sources of these materials within the United States, and thereby decrease and prevent wherever possible a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency.



(June 7, 1939, ch. 190, § 1, 53 Stat. 811, amended July 23, 1946, ch. 590, 60 Stat. 596.)

Act July 23, 1946, cited to text, amended section to broaden it by inserting “and retention” following “acquisition” and “conservation and” preceding “development”.

**Short title.**—Congress provided by section 10 of act July 23, 1946, cited to text, that sections 98–98g of this title and section 1623 (c) of appendix to this title, should be popularly known as the “Strategic and Critical Materials Stock Piling Act.”

**§ 98a. Strategic and critical materials; determination; quantity and quality to be purchased; formation and functions of industry advisory committees; subsistence and traveling expenses of members.**—(a) To effectuate the policy set forth in section 98 of this title the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, acting jointly through the agency of the Army and Navy Munitions Board, are authorized and directed to determine, from time to time, which materials are strategic and critical under the provisions of sections 98–98h of this title and section 1623 (b) of Appendix to this title and to determine, from time to time, the quality and quantities of such materials which shall be stock piled under the provisions of said sections. In determining the materials which are strategic and critical and the quality and quantities of same to be acquired the Secretaries of State, Treasury, Agriculture, and Commerce shall each designate representatives to cooperate with the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior in carrying out the provisions of said sections.

(b) To the fullest extent practicable the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, acting jointly, shall appoint industry advisory committees selected from the industries concerned with the materials to be stock piled. It shall be the general function of the industry advisory committees to advise with the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior and with any agencies through which they may exercise any of their functions under said sections with respect to the purchase, sale, care, and handling of such materials. Members of the industry advisory committees shall receive a per diem allowance of not to exceed \$10 for each day spent at conferences held upon the call of the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, plus necessary traveling and other expenses while so engaged. (June 7, 1939, ch. 190, § 2, 53 Stat. 811, amended July 23, 1946, ch. 590, 60 Stat. 596.)

Act July 23, 1946, cited to text, amended section by making former section subsec. (a) and adding subsec. (b) to provide for the creation of industry advisory committees.

**§ 98b. Purchase, storage, refinement, rotation, and disposal of materials.**—The Secretary of War and the Secretary of the Navy shall direct the Secretary of the Treasury, through the medium of the Procurement Division of his Department, to—

(a) make purchases of strategic and critical materials with due regard to the objectives set forth in section 98 of this title and pursuant to the determinations as provided in section 98a of this title, which purchases (1) shall be made, so far as is practicable, from supplies of materials in excess of the current industrial demand and (2) shall be made in accordance with sections 10a–10c of Title 41, but may



be made without regard to section 5 of Title 41. A reasonable time (not to exceed one year) shall be allowed for production and delivery from domestic sources and in the case of any such material available in the United States but which has not been developed commercially, the Secretary of War and the Secretary of Navy may, if they find that the production of such material is economically feasible, direct the purchase of such material without requiring the vendor to give bond;

(b) provide for the storage, security, and maintenance of strategic and critical materials for stock-piling purposes on military and naval reservations or other locations, approved by the Secretary of War and the Secretary of the Navy;

(c) provide through normal commercial channels for the refining or processing of any materials acquired or transferred under sections 98-98h of this title and section 1623(b) of Appendix to this title when the Secretary of War and the Secretary of the Navy deem such action necessary to convert such materials into a form best suitable for stock piling, and such materials may be refined, processed, or otherwise beneficiated either before or after their transfer from the owning agency;

(d) provide for the rotation of any strategic and critical materials constituting a part of the stock pile where necessary to prevent deterioration by replacement of acquired stocks with equivalent quantities of substantially the same material with the approval of the Secretary of War and the Secretary of the Navy;

(e) dispose of any materials held pursuant to sections 98-98h of this title and section 1623 (b) of Appendix to this title which are no longer needed because of any revised determination made pursuant to section 98a of this title, as hereinafter provided. No such disposition shall be made until six months after publication in the Federal Register and transmission of a notice of the proposed disposition to the Congress and to the Military Affairs Committee of each House thereof. Such notice shall state the reasons for such revised determination, the amounts of the materials proposed to be released, the plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer. The plan and date of disposition shall be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of the material to be released and the protection of producers, processors, and consumers against avoidable disruption of their usual markets: *Provided*, That no material constituting a part of the stock piles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war. For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of (1) deterioration, (2) development or discovery of a new or better material or materials, or (3) no further usefulness for use in time of war. (June 7, 1939, ch. 190, § 3, 53 Stat. 811, amended July 23, 1946, ch. 590, 60 Stat. 597.)

Act July 23, 1946, cited to text, amended section to provide for competitive bidding in the purchase of materials, refinement and processing of materials, and for the disposition of materials which are no longer needed because of a revised determination.



**§ 98c. Reports to Congress.**—The Secretary of War and the Secretary of the Navy shall submit to the Congress, not later than six months after July 23, 1946, and every six months thereafter a written report detailing the activities with respect to stock piling under sections 98–98h of this title and section 1623 (b) of Appendix to this title, including a statement of foreign and domestic purchases, and such other pertinent information on the administration of said sections as will enable the Congress to evaluate its administration and the need for amendments and related legislation. (June 7, 1939, ch. 190, § 4, 53 Stat. 811, amended July 23, 1946, ch. 590, 60 Stat. 598.)

Act July 23, 1946, cited to text, amended section generally to provide for semi-annual reports to Congress. Former provisions of section related to use of materials acquired and is now covered by section 98d of this title.

**§ 98d. Release of stock pile materials.**—The stock piles shall consist of all such materials prior to July 23, 1946, purchased or transferred to be held pursuant to sections 98–98h of this title and section 1623 (b) of Appendix to this title, or after July 23, 1946, transferred pursuant to section 98e of this title, or after July 23, 1946, purchased pursuant to section 98b of this title, and not disposed of pursuant to sections 98–98h of this title and section 1623 (b) of Appendix to this title. Except for the rotation to prevent deterioration and except for the disposal of any material pursuant to section 98b of this title, materials acquired under sections 98–98h of this title and section 1623 (b) of Appendix to this title shall be released for use, sale, or other disposition only (a) on order of the President at any time when in his judgment such release is required for purposes of the common defense, or (b) in time of war or during a national emergency with respect to common defense proclaimed by the President, on order of such agency as may be designated by the President. (June 7, 1939, ch. 190, § 5, 53 Stat. 812, amended July 23, 1946, ch. 590, 60 Stat. 598.)

Act July 23, 1946, cited to text, amended section generally to provide for the release of stock pile materials. Former provisions of section related to contracts for purchases and is not covered by section 98b (a) of this title.

**§ 98e. Transfer of surplus materials to stock piles; exceptions; payments; reduction of amount of obligations of Reconstruction Finance Corporation.**—(a) Pursuant to regulations issued by the War Assets Administration or its successor, every material determined to be strategic and critical pursuant to section 98a of this title, which is owned or contracted for by the United States or any agency thereof, including any material received from a foreign government under an agreement made pursuant to sections 411–419 of Title 22, or other authority, shall be transferred by the owning agency, when determined by such agency to be surplus to its needs and responsibilities, to the stock piles established pursuant to sections 98–98h of this title and section 1623 (b) of Appendix to this title, so long as the amount of the stock pile for that material does not exceed the quantities determined therefor pursuant to section 98a of this title. There shall be exempt from this requirement such amount of any material as is necessary to make up any deficiency of the supply of such material for the current requirements of industry as determined by the Civilian Production Administration or its successor. There shall also be exempt from this requirement (1) any material which constitutes contractor inventory if the owning agency shall not have taken possession of such inventory,



(2) such amount of any material as the Army and Navy Munitions Board determines (i) are held in lots so small as to make the transfer thereof economically impractical; or (ii) do not meet or cannot economically be converted to meet, stock-pile requirements determined in accordance with section 98a of this title. The total material transferred to the stock piles established by sections 98-98h of this title and section 1623 (b) of Appendix to this title in accordance with this section during any fiscal year beginning more than twelve months after July 23, 1946, shall not exceed in value (as determined by the Secretary of the Treasury on the basis of the fair market value at the time of each transfer) an amount to be fixed by the appropriation Act or Acts relating to the acquisition of materials under sections 98-98h of this title and section 1623 (b) of Appendix to this title.

(b) Any transfer made pursuant to this section shall be made without charge against or reimbursement from the funds available under sections 98-98h of this title and section 1623 (b) of Appendix to this title, except that expenses incident to such transfer may be paid or reimbursed from such funds, and except that, upon any such transfer from the Reconstruction Finance Corporation, or any corporation organized by virtue of the authority contained in sections 601-604, 605, 606-606b, 606g, 607, 608-609a, 610, 611, 612, 613, 614-616, and 617 of title 15, and section 343 of title 12, the Secretary of the Treasury shall cancel notes of Reconstruction Finance Corporation, and sums due and unpaid upon or in connection with such notes at the time of such cancellation, in an amount equal to the fair market value as determined by the Secretary of the Treasury of the material so transferred.

(c) Effective whenever the Secretary of the Treasury shall cancel any notes pursuant to subsection (b) of this section, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of existing law shall be deemed to be reduced by the amount of the notes so canceled. (June 7, 1939, ch. 190, § 6, 53 Stat. 812, amended May 28, 1941, ch. 135, 55 Stat. 206; July 23, 1946, ch. 590, 60 Stat. 598.)

Act July 23, 1946, cited to text, amended section generally to provide for transfers to stock piles of surplus materials without reimbursement, and for the reduction of amount of obligations of Reconstruction Finance Corporation. Former provisions of section related to Appropriations and is now covered by section 98g of this title.

Act May 28, 1941, cited to text, added sentence beginning "Any funds received prior to or after May 28, 1941."

Appropriation for investigations, etc. see section 98f, post.

**§ 98f. Investigations of domestic ores, minerals, and agricultural resources for purposes of development, etc.—**(a) The Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Survey, is authorized and directed to make scientific, technologic, and economic investigations concerning the extent and mode of occurrence, the development, mining, preparation, treatment, and utilization of ores and other mineral substances found in the United States or its Territories or insular possessions, which are essential to the common defense or the industrial needs of the United States, and the quantities or grades of which are inadequate from known domestic sources, in order to determine and develop domestic sources of supply, to devise new methods for the



treatment and utilization of lower grade reserves, and to develop substitutes for such essential ores and mineral products; on public lands and on privately owned lands, with the consent of the owner, to explore and demonstrate the extent and quality of deposits of such minerals, including core drilling, trenching, test-pitting, shaft sinking, drifting, cross-cutting, sampling, and metallurgical investigations and tests as may be necessary to determine the extent and quality of such deposits, the most suitable methods of mining and beneficiating them, and the cost at which the minerals or metals may be produced.

(b) The Secretary of Agriculture is authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 98a of this title to be strategic and critical or substitutes therefor. (June 7, 1939, ch. 190, § 7, 53 Stat. 812, amended July 23, 1946, ch. 590, 60 Stat. 599.)

Subsec. (a) reenacted by act July 23, 1946, cited to text.

Subsec. (b) amended generally by act July 23, 1946, cited to text, to provide for agricultural investigations. Former provisions of subsec. (b) related to appropriations for carrying out the work of subsec. (a) and are not covered by section 98g of this title.

Appropriation for subchapter generally, see section 98e ante.

Purchases and services, see section 6a (m) of Title 41, Public Contracts.

**§ 98g. Appropriations.**—For the procurement, transportation, maintenance, rotation, storage, and refining or processing of the materials to be acquired under sections 98–98h of this title and section 1623 (b) of Appendix to this title, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as the Congress, from time to time, may deem necessary to carry out the provisions of said sections. The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the purposes for which appropriated until expended, and shall be expended under the joint direction of the Secretary of War and the Secretary of the Navy. (July 23, 1946, ch. 590, 60 Stat. 600.)

**§ 98h. Disposition of receipts.**—Any funds prior to or after July 23, 1946, received on account of sales or other dispositions of materials under the provisions of sections 98–98h of this title and section 1623 (b) of Appendix to this title, except funds received on account of the rotation of stocks, shall be covered into the Treasury as miscellaneous receipts. (July 23, 1946, ch. 590, 60 Stat. 600.)



## **TITLE 50—WAR, APPENDIX**

### **Selective Training and Service Act of 1940**

Sec.

- 301. Declaration of emergency and policy, etc.
- 302. Registration of male citizens and residents, etc.
- 308. Service & health certificates; employment and reemployment provisions, voting during service.
- 309. Conscription of industry; power of President to take possession of plants.

### **Service Extension Act of 1941**

- 357. Extension of reemployment benefits under section 308 of this Appendix

### **Coordination of Executive Bureaus in Interest of More Efficient Concentration of Government**

- 601. Coordination of executive bureaus, etc. for national defense and to prosecute war; issuance of regulations; Ex. Ord. 9577, 9630.

### **Second War Powers Act, 1942—Acquisition and Disposition of Property**

- 632a. Same; termination of authority.

### **Priorities Powers**

- 633. Amendment of section 1152 of Appendix.

### **Time Limit and Short Title**

- 645. Termination of portions of act.

### **Requisition of Military Equipment, Materials and Supplies, Act of Oct. 16, 1941**

- 713. Termination of act.
- 721. Requisition of military materials for U. S., compensation.

### **Emergency Price Control Act of 1942**

- 901. Purposes; time limit; applicability.
- 901a. Purposes and policies in transition period—objectives.
- 902. Prices, rents, and market and renting practices.
- 903. Agricultural commodities.
- 906. Establishment and adjustment of maximum prices.

### **Stabilization Act of 1942**

- 963. Maximum prices for agricultural commodities and products.
- 963a. Slaughter of animals; certification of plants; conditions; partial plant certification; inspection; status of meat for transportation purposes; revocation and termination of certification.
- 966. Termination of Act.

### **Farm Labor Supply Appropriation Act, 1944**

- 1351. Appropriation to provide adequate supply of agricultural workers; period of availability.
- 1353. Same; purpose of expenditures by Administrator of Food Production and Distribution; cooperation of Administrator with other agencies.
- 1355. Same; payments as liable to withholding tax; definitions, etc.; Agricultural workers; extension of work permits.



**Civilian Reemployment of Members of Merchant Marine**

Sec.

- 1471. Service in merchant marine; definition; persons entitled to certificate of service.
- 1472. Restoration to civilian employment; etc.
- 1473. Proceedings to compel employer's compliance with section 1472; fees or costs.
- 1474. Additional compensation to certain civilian employees during period of merchant marine service.
- 1475. Rules and regulations.

**Surplus Property Act of 1944**

- 1619. Designation of disposal agencies.
- 1621. Utilization of surplus property by Federal agencies.
- 1622. Disposal to local governments and nonprofit institutions.
- 1623. Disposition by owning agency; limitations.
- 1625. Dispositions to veterans; preference priority; property set aside; regulations; public notice; time limit.
- 1626. Disposition in rural areas.
- 1627. Disposition to small business.
- 1628. Disposal of plants.
- 1630. Formulation of policies for disposal of surplus agriculture commodities; restrictions on sale of cotton and woolen goods and farm commodities.
- 1631. Repealed.
- 1632. Disposal of surplus real property.
- 1641. Dispositions outside U. S.; use of foreign currencies; foreign scholarships; etc.

**SELECTIVE TRAINING AND SERVICE ACT OF 1940**

**§ 301. Declaration of emergency and policy; ordering National Guard to active service.** (a) The Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916 (June 3, 1916, ch. 134, 39 Stat. 166), as amended, that it is essential that the strength and organization of the National Guard, as an integral part of the first-line defenses of this Nation, be at all times maintained and assured. To this end, it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army and those in active training and service under section 3 (b) (section 303 (b) of this appendix) the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists. (June 29, 1946, ch. 522, § 1, 60 Stat. 341.)

**Reenactment of sections.** Section 1 of act June 29, 1946, cited to text provided: "That all of the provisions of the Selective Training and Service Act of 1940, as amended, are hereby expressly reenacted except those provisions which are hereinafter amended or repealed (sections 303, 305, and 316 of this appendix.)"



**§ 302. Registration of male citizens and residents; age limitation.**

Reenactment of section by act June 29, 1946, c. 522, § 1, 60 Stat. 341, see note set out under section 301 of this appendix.

**§ 308. Service and health certificates; employment and reemployment provisions; voting during service.—**

\* \* \* \* \*

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay. (As amended Dec. 8, 1944, ch. 548, § 1, 28 Stat. 798; June 29, 1946, ch. 522, § 1, 60 Stat. 341.)

Reenactment of section by Act June 29, 1946, ch. 522, § 1, 60 Stat. 341, see note set out under section 301 of this appendix.

**§ 309. Conscription of industry; power of President to take possession of plants.**

Reenactment of section by Act June 29, 1946, ch. 522, § 1, 60 Stat. 341, see note set out under section 301 of this appendix.

**SERVICE EXTENSION ACT OF 1941**

**§ 357. Extension of reemployment benefits under section 308 of this Appendix.—**(a) Any person who, subsequent to May 1, 1940, and prior to the termination of the authority conferred by section 2 of this joint resolution (section 352 of this Appendix), shall have entered upon active military or naval service in the land or naval forces of the United States shall be entitled to all the reemployment benefits of section 8 of the Selective Training and Service Act of 1940, as amended, to the same extent as in the case of persons inducted under said Act (sections 301-318 of this Appendix): *Provided*, That the provisions of section 8 (b) (A) of said Act (section 308 (b) (A) of this Appendix) shall be applicable to any such person without regard to whether the position which he held shall have been covered into the classified civil service during the period of his military or naval service.

(b) Any former member of the Women's Army Auxiliary Corps who, within ninety days after termination of her service in that corps,



entered active military service by enlistment or appointment in the Women's Army Corps without having accepted a position, other than a temporary position, in the employ of any employer during such ninety-day period, shall be entitled to all the reemployment benefits of section 8 of the Selective Training and Service Act of 1940, as amended (section 308 of this Appendix), with respect to a position which she left to enter service in the Women's Army Auxiliary Corps, to the same extent that a person inducted under said Act is entitled to reemployment benefits with respect to a position which he left in order to perform training and service: *Provided*, That, in the case of any such former member who has been discharged from or relieved from active duty in the Women's Army Corps prior to the effective date of this subsection (Aug. 9, 1946), application for reemployment may be made at any time within ninety days after such effective date. The provisions of section 8 (b) (A) of the Selective Training and Service Act of 1940, as amended (section 308 (b) (A) of this Appendix), shall be applicable to any such former member without regard to whether the position which she held shall have been covered into the classified civil service during the period of her military service or during the period of her service in the Women's Army Auxiliary Corps. (As amended Dec. 8, 1944, ch. 548, § 3, 58 Stat. 799; Aug. 9, 1946, ch. 936, 60 Stat. 971.)

#### FIRST WAR POWERS ACT, 1941

#### TITLE I—COORDINATION OF EXECUTIVE BUREAUS IN THE INTEREST OF MORE EFFICIENT CONCENTRATION OF THE GOVERNMENT

**§ 601. Coordination of executive bureaus, offices, etc., by President for national defense and to prosecute the war; issuance of regulations.—**

\* \* \* \* \*

EX. ORD. No. 9577. TERMINATION OF THE WAR FOOD ADMINISTRATION AND TRANSFERRAL OF ITS FUNCTIONS TO THE SECRETARY OF AGRICULTURE

Ex. Ord. No. 9577, June 30, 1945, 10 F. R. 8087, provided:

By virtue of the authority vested in me as President by the Constitution and laws of the United States, including Title I of the First War Powers Act, 1941 (55 Stat. 838) [sections 601–605 of this Appendix], it is ordered as follows:

1. The War Food Administration and the office of War Food Administrator, established by Executive Order No. 9334 of April 19, 1943 [set out under this section], are hereby terminated.

2. The functions, duties, and powers of the War Food Administrator, including but not limited to those vested in the Administrator by Executive Orders No. 9334 of April 19, 1943, as amended, No. 9385 of October 6, 1943, No. 9401 of December 7, 1943, No. 9418 of January 29, 1944, and No. 9534 of April 3, 1945, are hereby transferred to, and shall be exercised and performed by the Secretary of Agriculture.

3. The records, property, personnel, funds, and agencies of the War Food Administration are hereby placed under the jurisdiction and control of the Secretary of Agriculture. The agencies of the War Food Administration shall, consistent with applicable law, be organized and administrated in such manner as the Secretary of Agriculture may deem desirable.

4. The Secretary of Agriculture shall have, and may exercise to such extent and subject to such conditions as he shall determine, (a) all powers of delegation vested in the War Food Administrator, including but not limited to those specified in paragraph 9 of Executive Order No. 9280 of December 5, 1942 [set out under this section], and (b) the authority to confer upon any person or persons



to whom he may make delegations hereunder, the power to make further delegations to any person or persons in the Department of Agriculture.

5. All orders, directives, rules, and regulations relating to any matter within the scope of the authority of the War Food Administrator which are in effect on the effective date of this order shall continue in full force and effect unless and until modified or revoked by the Secretary of Agriculture or at his direction or under his authorization.

6. All prior Executive orders in conflict with this order are hereby amended to the extent of such conflict.

7. This order shall take effect at the close of business on June 30, 1945.

EX. ORD. NO. 9630. REDISTRIBUTION OF FOREIGN ECONOMIC FUNCTIONS AND FUNCTIONS WITH RESPECT TO SURPLUS PROPERTY IN FOREIGN AREAS

Ex. Ord. No. 9630, Sept. 27, 1945, 10 F. R. 12245, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [section 601 of this appendix], and as President of the United States, and Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

PART I

1. The Foreign Economic Administration established by Executive Order No. 9380 of September 25, 1943 [set out as a note under this section], hereinafter referred to as the Administration, and its agencies except as otherwise provided in this order, and the office of the Administrator of the Foreign Economic Administration, are terminated and disposition shall be made of the affairs thereof according to the provisions of this Part.

\* \* \* \* \*

5. There are transferred to the Department of Agriculture the functions of the Office of Foreign Food Programs and all other functions of the Administration with respect to food (as defined in paragraph 10 of Executive Order No. 9280 of December 5, 1942) [set out as a note under this section], food machinery, and other food facilities.

6. There are transferred to the heads of the agencies to which functions are transferred by this Part the respective functions of the Administrator of the Foreign Economic Administration, hereafter referred to as the Administrator, which relate to the functions so transferred to the aforesaid agencies.

SECOND WAR POWERS ACT, 1942

TITLE II—ACQUISITION AND DISPOSITION OF PROPERTY

§ 632a. **Same; termination of authority.**—The authority to acquire property, or any use thereof or interest therein, granted by section 2 of such Act of July 2, 1917 (section 171a of this title), shall not be exercised after the date upon which this section becomes effective (Dec. 28, 1945). Mar. 27, 1942, ch. 199, title II, § 202, as added Dec. 28, 1945, ch. 590, § 1 (a), 59 Stat. 658.

TITLE III—PRIORITIES POWERS

§ 633. **Amendment of section 1152 of this appendix.**

AMENDMENT

Par. (1) amended by act Aug. 7, 1946, ch. 770 § 1 (26), 60 Stat. 868, which repealed the proviso requiring the Secretary of the Navy to report every three months to Congress the contracts entered into under authority of said par. (1).

Act Dec. 20, 1944, amended section by adding par. (9).



TITLE XV—TIME LIMIT AND SHORT TITLE

§ 645. Termination of portions of act.

AMENDMENT

Act June 29, 1946, ch. 526, § 1, 60 Stat. 345, amended section by extending the termination date from June 30, 1946, to Mar. 31, 1947, except that for the allocation of building materials, and the facilities related to the utilization of building materials Title III of said Act shall remain in force until June 30, 1947.

REQUISITION OF MILITARY EQUIPMENT, MATERIALS AND SUPPLIES

Act of Oct. 16, 1941, Ch. 445, 55 Stat. 742

§ 713. Termination of act.

AMENDMENTS

1945—Act June 30, 1945, ch. 207, 59 Stat. 270, amended section by substituting “June 30, 1946” for “June 30, 1945.”

§ 721. Requisition of military materials for United States; compensation.

AMENDMENTS

1945—Act June 30, 1945, ch. 208, § 1, 59 Stat. 271, amended section by substituting “June 30, 1946” for “June 30, 1945”, in first sentence.

EMERGENCY PRICE CONTROL ACT OF 1942

Act Jan. 30, 1942, Ch. 26, 56 Stat. 25

TITLE I—GENERAL PROVISIONS AND AUTHORITY

*Sec.*

901a. Purposes and policies in transition period [New].

- (a) Objectives.
- (b) Declaartion of decontrol policy.
- (c) Recommendations by the President to the Congress.
- (d) Decontrol of nonagricultural commodities.
- (e) Agricultural commodities.
- (f) Saving provision.
- (g) Petitions for decontrol.
- (h) Price Decontrol Board.

906. Establishment and adjustment of maximum prices [New].

TITLE I—GENERAL PROVISIONS AND AUTHORITY

§ 901. Purposes; time limit; applicability.

\* \* \* \* \*

(b) The provisions of this Act [sections 901–922, 923–946 of this Appendix], and all regulations, orders, price schedules, and requirements thereunder, shall terminate on June 30, 1947, or upon the date of a proclamation by the President, or upon the date specified in a concurrent resolution by the two Houses of the Congress, declaring that the further continuance of the authority granted by this Act is not necessary in the interest of the national defense and security, whichever date is the earlier; except that as to offenses committed, or rights or liabilities incurred, prior to such termination date, the provisions of this Act [said sections] and such regulations, orders, price sched-



ules, and requirements shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense. (As amended June 30, 1945, ch. 214, § 1, 59 Stat. 306; July 25, 1946, ch. 671, § 1, 60 Stat. 664.)

\* \* \* \* \*

Subsec. (b) amended by acts July 25, 1946 and June 30, 1945, both cited to text, which extended termination dates to June 30, 1947 and June 30, 1946, respectively. Effective date of act July 25, 1946, see note set out under section 901a of this title.

EXECUTIVE ORDER No. 9328

Apr. 8, 1943, 8 F. R. 4681 as amended by Ex. Ord. No. 9737, June 17, 1946, 11 F. R. 6747

STABILIZATION OF WAGES, PRICES, AND SALARIES

\* \* \* \* \*

3. Revoked.

\* \* \* \* \*

EXECUTIVE ORDER No. 9534

Apr. 4, 1945, 10 F. R. 3667

DESIGNATING THE FEDERAL LOAN ADMINISTRATOR AND THE WAR FOOD ADMINISTRATOR AS MEMBERS OF THE ECONOMIC STABILIZATION BOARD

By virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the act of October 2, 1942 (56 Stat. 765) [sections 901-946 of this Appendix], and as President of the United States and Commander in Chief of the Army and Navy, the Federal Loan Administrator and the War Food Administrator are hereby designated as additional members of the Economic Stabilization Board established by section 2 of Title I of Executive Order 9250 of October 3, 1942 [set out as a note under this section], and the said order is amended accordingly.

EXECUTIVE ORDER No. 9620

Sept. 21, 1945, 10 F. R. 12033

ABOLISHMENT OF THE OFFICE OF ECONOMIC STABILIZATION AND TRANSFER OF FUNCTIONS TO THE OFFICE OF WAR MOBILIZATION AND RECONVERSION

By virtue of the authority vested in me by the Constitution and statutes, particularly by Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], and section 2 of the act of October 2, 1942, 56 Stat. 765 [section 962 of this Appendix], and as President of the United States, it is hereby ordered as follows:

The Office of Economic Stabilization, established by Executive Order No. 9250 of October 3, 1942, and the Office of Economic Stabilization Director, are abolished. All functions, authority, records, property, personnel, and funds of the Office of Economic Stabilization are transferred to the Office of War Mobilization and Reconversion, and all functions of the Economic Stabilization Director are transferred to the Director of War Mobilization and Reconversion. The Economic Stabilization Board, established by Executive Order No. 9250, is transfered to the Office of War Mobilization and Reconversion for the purpose of advising and consulting with the Director of War Mobilization and Reconversion with respect to the functions transferred by this order. All prior regulations, rulings, and other directives relating to the Office of Economic Stabilization shall remain in effect except insofar as they are in conflict with this order or are hereafter amended by the Director of War Mobilization and Reconversion.

All prior Executive orders in conflict herewith are amended accordingly.



## EXECUTIVE ORDER No. 9697

11 F. R. 1691, Feb. 14, 1946

CONTINUED STABILIZATION OF THE NATIONAL ECONOMY DURING THE TRANSITION FROM  
WAR TO PEACE

1. For the duration of the existing emergency, all departments and agencies of the Government shall, in any matter affecting the stabilization of the economy in which they have discretion in the use of their powers, exercise such discretion in such manner as will best promote the continued stabilization of the economy. It is the policy of the Government, in order so far as possible to prevent price increases, that there be prompt and firm enforcement, during the present emergency, of Government controls over scarce materials and facilities.

2. (a) Notwithstanding the provisions of Executive Order 9599 of August 18, 1945, as amended [note following section 1651 of this Appendix], and of the regulations issued thereunder, the Price Administrator shall promptly provide for the adjustment of price ceilings in any case in which he finds that an industry is in a position of hardship as a consequence of an approved increase in wages or salaries, as defined herein. An industry shall be considered to be in hardship if, after taking the entire amount of such wage or salary increase into consideration, the Administrator finds that the industry's current ceiling prices will leave it in an overall loss position or in an earnings position requiring adjustment on the basis provided in this section.

(b) The adjustment to be provided shall be such as, in the judgment of the Price Administrator, will be sufficient, for the twelve months following the adjustment, to enable the industry, unless operating at a temporary low volume, to earn an average rate of profit equal as nearly as may be to the rate of return on net worth earned by the industry in the peacetime base period applicable to that industry, and, in the case of commodities which are the subject of special statutory requirements, to a rate of return sufficient to satisfy such requirements. Except to the extent necessary to reflect the abnormal costs and reduced earnings incident to temporary operation at low volume, in no case shall the Administrator provide an adjustment insufficient in amount to prevent loss operation at the time of the adjustment.

(c) The Price Administrator shall develop standards of adjustment consistent with the purposes of this order to be applied in the case of an industry-wide action affecting an industry operating at temporary low volume.

(d) In those cases in which the price regulations provide for the establishment or adjustment of ceiling prices on an individual-firm basis the Price Administrator shall establish such standards of adjustment as in his judgment are administratively workable and consistent with the purposes of this order. He shall establish similar standards to be applied in the case of the establishment or adjustment of rent ceilings.

(e) The Stabilization Administrator shall by regulation or order establish such standards as in his judgment are administratively workable and consistent with the purposes of this order for determining the extent to which wage or salary increases in excess of the standards for approval of such increases prevailing prior to this order may be used, in the case of products or services being furnished under contract with a Federal procurement agency, as a basis for increasing costs to the United States.

3. (a) The National Wage Stabilization Board or other wage or salary stabilization agency having jurisdiction with respect to the wages or salaries involved shall approve any wage or salary increase, or part thereof, which it finds is consistent with the general pattern of wage or salary adjustments which has been established in the industry or local labor market area, between August 18, 1945, and the effective date of this order, or, where there is no such general pattern, which it finds necessary to eliminate gross inequities as between related industries, plants or job classifications, to correct substandards of living, or to correct disparities between the increase in wage or salary rates in the appropriate unit, since January 1941 and the increase in the cost of living between January 1941 and September 1945. The Board or other designated agency shall have authority, with the approval of the Stabilization Administrator, to establish special standards for approval of wage or salary increases, differing from the foregoing general standards, to be applied in particular industries or classes of cases if it finds that such action is necessary to effectuate the purposes of this order.



(b) The Stabilization Administrator may, by regulation, specify classes of wage or salary increases which will in his judgment have no unstabilizing consequences and which may be deemed approved within the meaning of this order without prior consideration by the wage or salary stabilization agencies. Such regulations may make special provision for cases, among others, in which (1) the increase is to be of limited amount, or (2) a small number of employees will be involved, or (3) there will be in all probability no substantial effect upon price or rent ceilings or costs to the United States.

(c) Except as the Stabilization Administrator may by regulation otherwise provide, the making, after the effective date of this order, of any wage or salary increase pursuant to Part IV, section 1, of Executive Order 9599 [note following section 1651 of this Appendix], without the prior approval of the National Wage Stabilization Board or other designated wage or salary stabilization agency having jurisdiction with respect to the wages or salaries involved, shall constitute a waiver of any right of the employer to use such increase, at any time during the continuation of the stabilization laws, as a basis for seeking an increase in price or rent ceilings or, in the case of products or services being furnished under contract with a Federal procurement agency, as a basis for increasing costs to the United States. The Stabilization Administrator shall have authority to provide by regulation that wage or salary increases of a particular class shall be unlawful unless made with the prior approval of the Board or other designated agency, if in his judgment such action is necessary to prevent wage or salary increases inconsistent with the purposes of the stabilization laws.

(d) In accordance with and subject to the provisions of section 2 of this order, any wage or salary increase heretofore lawfully made, or made in accordance with a governmental recommendation in a wage controversy announced prior to the effective date of this order, shall be deemed to have been approved within the meaning of this order, and may be taken into account as a basis for increasing price or rent ceilings or, in the case of products or services being furnished under contract with a Federal procurement agency, as a basis for increasing costs to the United States.

(e) All arbitration awards, and all recommendations of publicly-appointed fact-finding panels, with respect to wage or salary issues shall conform with the standards of this order and the regulations and directives issued thereunder. No wage or salary increases shall be put into effect in accordance with any such awards or recommendations, hereafter announced, unless and until approved by the appropriate wage or salary stabilization agency, or unless such awards or recommendations are voluntarily accepted by the parties on the basis stated in the first sentence of subsection (c) of this section.

4. The Stabilization Administrator, in the Office of War Mobilization and Reconversion, shall have full authority to issue such orders and directives as may be necessary, in his judgment, to carry out the purposes of this order.

5. Any provision of any prior Executive order in conflict herewith is hereby superseded to the extent of such conflict.

6. This order shall become effective February 14, 1946.

EXECUTIVE ORDER No. 9699

Feb. 25, 1946, 11 F. R. 1929

#### REESTABLISHMENT OF THE OFFICE OF ECONOMIC STABILIZATION

By virtue of the authority vested in me by the Constitution and statutes, including section 2 of the act of October 2, 1942, 56 Stat. 765 [section 902 of this Appendix], and Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], and as President of the United States, it is hereby ordered as follows:

1. The Office of Economic Stabilization, established by Executive Order No. 9250 of October 3, 1942, [note following this section] together with an Economic Stabilization Director at the head thereof, is hereby re-established, with the same functions, powers, and duties which it possessed immediately prior to the issuance of Executive Order No. 9620 of September 20, 1945 [sections 601-605 of this Appendix]. All functions, authority, records, property, personnel, and funds of the Office of the Stabilization Administrator designated pursuant to [said] Executive Order, No. 9620 are transferred to the Office of Economic Stabilization, including the functions and authority vested in the Stabilization Administrator by Executive Order No. 9697 of February 14, 1946 [note following this section].



2. The Economic Stabilization Board, established by [said] Executive Order No. 9250, is hereby re-established on its former basis in the Office of Economic Stabilization, with the following membership: The Economic Stabilization Director as Chairman, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Federal Loan Administrator, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Bureau of the Budget, the Chairman of the Securities and Exchange Commission, the Price Administrator, the Administrator of the National Housing Agency, the Chairman of the National Wage Stabilization Board, and two representatives each of labor, management, and farmers to be appointed by the President.

3. All prior regulations, orders, rulings, directives, and other actions relating to any function affected by this order shall remain in effect except insofar as they are in conflict with this order or are hereafter amended under proper authority.

4. All prior Executive orders in conflict herewith are amended accordingly.

EXECUTIVE ORDER No. 9745

July 1, 1946, 11 F. R. 7327

INTERIM ADMINISTRATION OF CERTAIN CONTINUING FUNCTIONS OF THE OFFICE OF PRICE ADMINISTRATION

The Office of Price Administration and the Price Administrator are directed to continue to exercise and perform all those functions, powers, and duties vested in them under or pursuant to the Emergency Price Control Act of 1942, as amended [section 901 et seq. of this Appendix], and the Stabilization Act of 1942, as amended [section 901 et seq. of this Appendix], which do not terminate by reason of the termination of those Acts on June 30, 1946, and all functions, powers, and duties delegated to them under or pursuant to Title III of the Second War Powers Act, as amended [section 633 of this Appendix].

All orders, regulations, and directives heretofore issued and in force at this time with respect to the functions, powers, and duties of the Office of Price Administration and the Price Administrator specified in the preceding paragraph shall continue in force and effect until modified or revoked by proper authority.

This Executive order shall not be deemed to authorize the Office of Price Administration or the Price Administrator to establish or maintain any regulation or order with respect to current prices or rents, unless and until otherwise provided by legislation hereafter enacted.

EXECUTIVE ORDER No. 9762

July 26, 1946, 11 F. R. 8073

FUNCTIONS OF THE OFFICE OF ECONOMIC STABILIZATION TRANSFERRED TO THE OFFICE OF WAR MOBILIZATION AND RECONVERSION

By virtue of the authority vested in me by the Constitution and statutes, particularly by Title I of the First War Powers Act, 1941 [section 601 et seq. of this Appendix], and section 2 of the act of October 2, 1942, 56 Stat. 765 [section 962 of this Appendix], and as President of the United States, it is hereby ordered as follows:

The Office of Economic Stabilization, established by Executive Order No. 9250 of October 3, 1942 [note following this section], and reestablished by Executive Order No. 9699 of February 21, 1946 [note following this section], together with all its functions, authority, records, property, personnel, and funds, is transferred to the Office of War Mobilization and Reconversion. All functions and authority of the Economic Stabilization Director are transferred to the Director of War Mobilization and Reconversion. The Economic Stabilization Board is transferred to the Office of War Mobilization and Reconversion for the purpose of advising and consulting with the Director of War Mobilization and Reconversion with respect to the functions transferred by this order. All prior regulations, orders, rulings, directives and other actions relating to the Office of Economic Stabilization shall remain in effect except in so far as they are in conflict with this order or are hereafter amended by the Director of War Mobilization and Reconversion.

All prior Executive orders in conflict herewith are amended accordingly.



**§ 901a. Purposes and policies in transition period—Objectives.—**

**(a) The Congress affirms.**—(1) that because of abnormally excess spending power in relation to the presently available supply of commodities, rapid attainment of production equal to the public demand is one of the necessary and urgent objectives for the prevention of inflation and for the achievement of a reasonable stability in the general level of prices and rents, cost of living and costs of production (including labor costs), for the purposes set forth in section 1 of this act [section 901 of this Appendix] and for the further purposes of protecting the real value of benefits provided by law for veterans and their dependents, of keeping faith with purchasers of United States War Bonds, and of making possible a successful transition to a peacetime economy of maximum employment, production, and purchasing power under a system of free enterprise;

(2) that unnecessary or unduly prolonged controls over prices and rents and use of subsidies would be inconsistent with the return to such a peacetime economy and would tend to repress and prevent the attainment of this and the other goods herein declared; and

(3) that adequate prices are necessary stimulants to the production thus desired and the expeditious attainment of said goals.

**(b) Declaration of decontrol policy.**—Therefore, it is declared to be the policy of the Congress that the Office of Price Administration, and other agencies of the Government, shall use their price, subsidy, and other powers to promote the earliest practicable balance between production and the demand therefor of commodities under their control, and that the general control of prices and the use of subsidy powers shall, subject to other specific provisions of this Act [sections 901-922, 923-946 of this Act], be terminated as rapidly as possible consistent with the policies and purposes set forth in this section and in no event later than June 30, 1947, and on that date the Office of Price Administration shall be abolished.

**(c) Recommendations by the President to the Congress.**—(1) As soon as practicable after the enactment of this section [July 25, 1946] and in any event on or before January 15, 1947, the President shall recommend to the Congress such further legislation as in his judgment is needed to establish monetary, fiscal, and other policies which are adequate to supplement the control of prices and wages during the balance of the fiscal year 1947, and to insure that general control of prices and wages can be terminated by the end of that fiscal year without danger of inflation thereafter.

(2) On or before April 1, 1947, the President shall report to the Congress what, if any, commodities or classes of commodities, including housing accommodations, are in such critically short supply as to necessitate, in his judgment, the continuance of the powers granted by this Act [sections 901-922, 923-946 of this Appendix] as to them after June 30, 1947, together with his recommendations as to established departments or agencies of the Government (other than the Office of Price Administration) which should be charged with the administration of such powers.

**(d) Decontrol of nonagricultural commodities.**—(1) On or before December 31, 1946, the Administrator shall decontrol all non-agricultural commodities not important in relation to business costs or living costs, and prior to that date shall proceed with such decontrol as rapidly as, in his judgment, will be consistent with the avoidance



of a cumulative and dangerous unstabilizing effect. In no event shall maximum prices be maintained after December 31, 1946, for any non-agricultural commodity or class of commodities unless the same has been expressly found by the Administrator to be important in relation to business costs or living costs.

(2) The Administrator shall provide for the prompt removal of maximum prices in the case of any nonagricultural commodity whenever the supply thereof exceeds or is in approximate balance with the demand therefor (including appropriate inventory requirements).

(3) Whenever, after a reasonable test period, it appears that the supply of a nonagricultural commodity which has been decontrolled is no longer consistent with the applicable decontrol standard, the Administrator, with the advance consent in writing of the Price Decontrol Board established under subsection (h), shall reestablish such maximum prices for the commodity, consistent with applicable provisions of law, as in his judgment may be necessary to effectuate the purposes of this Act [sections 901-922, 923-946 of this Appendix]. The supply of a nonagricultural commodity shall be deemed inconsistent with the applicable decontrol standard in any case where the prices of the commodity have risen to and after a reasonable test period remain at unreasonable and inflationary levels.

(4) Nothing contained in this Act [sections 901-922, 923-946 of this Appendix] shall be construed to authorize the Administrator to impose or maintain price controls with respect to petroleum or petroleum products processed or manufactured in whole or substantial part from petroleum, except that, after August 20, 1946, maximum prices with respect thereto may be reestablished pursuant to the provisions of paragraph (3) of this subsection (d), but only under the standards prescribed in paragraph (8) (C) of subsection (e).

**(e) Agricultural commodities.**—(1) On the first day of the first calendar month which begins more than thirty days after the date of enactment of this section [July 25, 1946], the Secretary of Agriculture shall certify to the Price Administrator each agricultural commodity which such Secretary determines to be in short supply. Thereafter, on the first day of each succeeding calendar month the Secretary shall certify modifications of such certification by adding other agricultural commodities which have become in short supply and by removing from such certification, such commodities which he determines are no longer in short supply. No maximum price shall be applicable with respect to any agricultural commodity during any calendar month which begins more than thirty days after the date of enactment of this section [July 25, 1946], unless such commodity is certified to the Price Administrator under this paragraph as being in short supply.

(2) (A) Whenever the Secretary of Agriculture determines that maximum prices applicable to any agricultural commodity which is in short supply are impeding the necessary production of such commodity, he may recommend to the Price Administrator such adjustments in such maximum prices as the Secretary determines to be necessary to attain the necessary production of such commodity.

(B) The Secretary of Agriculture by December 31, 1946, shall recommend to the Price Administrator the removal of maximum prices on all agricultural commodities, whether or not in short supply, not important in relation to business costs or living costs, and prior to that date shall make such recommendations as rapidly as, in his judgment,



will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect.

(C) Within ten days after the receipt of any recommendation under this subsection for the adjustment of maximum prices applicable to any agricultural commodity, or for the removal of maximum prices on agricultural commodities not important in relation to business costs or living costs, the Price Administrator shall adjust or remove such maximum prices in accordance with such recommendations.

(3) Whenever the Secretary of Agriculture determines that an agricultural commodity with respect to which maximum prices have been removed is in short supply and that the reestablishment of maximum prices with respect thereto is necessary to effectuate the purposes of this Act [sections 901-922, 923-946 of this Appendix], the Secretary, with the written consent of the Price Decontrol Board, may recommend to the Administrator, and the Administrator shall establish, such maximum prices with respect to such commodity, consistent with applicable provisions of law, as in the judgment of the Secretary are necessary to effectuate the purposes of this Act [said sections].

(4) For the purposes of this section (except subparagraph (6) of this subsection (d))—

(A) an agricultural commodity shall be deemed to be in short supply unless the supply of such commodity equals or exceeds the requirements for such commodity for the current marketing season;

(B) the term “agricultural commodity” shall be deemed to mean any agricultural commodity and any food or feed product processed or manufactured in whole or substantial part from any agricultural commodity;

(C) the term “subsidy” means any subsidy or purchase and sale operations described in the last paragraph of section 2 (e) of this Act [section 902 (e) of this Appendix].

(5) Notwithstanding any other provision of this or any other law, except as provided in subsection (h), the Secretary of Agriculture, in exercising his functions under this Act [sections 901-922, 923-946 of this Appendix], shall not be subject to the direction or control of any other appointive officer or agency in the executive branch of the Government, and no such officer or agency shall undertake to exercise any direction or control over the Secretary of Agriculture with respect to the exercise of such functions. The Secretary of Agriculture may at any time withdraw his approval of any action with respect to which his approval is required under this Act [said sections], and upon the withdrawal of his approval such action shall be rescinded.

(6) No maximum price and no regulation or order under this Act or the Stabilization Act of 1942, as amended [sections 961-971 of this Appendix], shall be applicable with respect to any agricultural commodity, or any service rendered with respect to any agricultural commodity, unless a regulation or order establishing a maximum price with respect to such commodity had been issued under this Act [sections 901-922, 923-946 of this Appendix] prior to April 1, 1946.

(7) No maximum price and no regulation or order under this Act [sections 901-922, 923-946 of this Appendix] or the Stabilization Act of 1942, as amended [sections 961-971 of this Appendix], shall be applicable with respect to poultry or eggs or food or feed products processed or manufactured in whole or substantial part therefrom, or in the case of leaf tobacco or tobacco products processed or manufactured



in whole or substantial part therefrom, except that, after August 20, 1946, maximum prices with respect thereto may be reestablished pursuant to the provisions of paragraph (3) of this subsection (e), but only under the standards prescribed in paragraph (8) (C) of this subsection (e).

(8) (A) No maximum price and no regulation or order under this Act [sections 901–922, 923–946 of this Appendix] or the Stabilization Act of 1942, as amended [sections 961–971 of this Appendix], shall be applicable prior to August 21, 1946, with respect to livestock, milk, or food or feed products processed or manufactured in whole or substantial part from livestock or milk, with respect to cottonseed or soybeans, or food or feed products processed or manufactured in whole or substantial part from cottonseed or soybeans; with respect to grains for which standards have been established under the United States Grain Standards Act, as amended [section 74 of Title 7], or any livestock or poultry feed processed or manufactured in whole or substantial part therefrom.

(B) The Price Decontrol Board shall proceed forthwith to consider whether the commodities listed in subparagraph (A) shall continue, after August 20, 1946, to be free from regulation under this Act [sections 901–922, 923–946 of this Appendix] and the Stabilization Act of 1942, as amended [sections 961–971 of this Appendix]. Such Board, after due notice of a public hearing and full opportunity for representatives of affected industries and consumers to present their views orally or in writing, shall have power to determine whether or not any commodity listed in subparagraph (A) shall be regulated after August 20, 1946, under this Act [sections 901–922, 923–946 of this Appendix] and the Stabilization Act of 1942, as amended [sections 961–971 of this Appendix]. Such Board shall direct that any such commodity shall not be so regulated unless it finds:

(i) that the price of such commodity has risen unreasonably above a price equal to the lawful maximum price in effect on June 30, 1946, plus the amount per unit of any subsidy payable with respect thereto as of June 29, 1946, and

(ii) that such commodity is in short supply and that its regulation is practicable and enforceable, and

(iii) that the public interest will be served by such regulation. If in the case of any commodity listed in subparagraph (A) [of paragraph (8) of this subsection] such Board fails to direct, on or before August 20, 1946, that such commodity shall not be regulated under this Act [sections 901–922, 923–946 of this Appendix] and the Stabilization Act of 1942, as amended [sections 961–971 of this Appendix], maximum prices and regulations and orders under such Acts [said sections] shall be applicable with respect to such commodity without regard to this paragraph (8).

(C) If in the case of any commodity listed in subparagraph (A) [of paragraph (8) of this subsection] such Board, on or before August 20, 1946, does direct that such commodity shall not be regulated under such Acts [sections 901–922, 923–946, 961–971 of this Appendix], the Board may at any subsequent time direct that such commodity shall be so regulated if it finds:

(i) that the price of such commodity has risen unreasonably above a price equal to the lawful maximum price in effect on June 30, 1946,



plus the amount per unit of any subsidy payable with respect thereto as of June 29, 1946; and

(ii) that such commodity is in short supply and that its regulation is practicable and enforceable; and

(iii) that the public interest will be served by such regulation. Thereafter, the provisions of such Acts [sections 901-922, 923-946, 961-971 of this Appendix] and regulations and orders thereunder shall be applicable with respect to such commodity without regard to this paragraph (8).

(D) In the case of milk, the Board may consider and determine decontrol or recontrol on a regional basis.

(9) The Price Decontrol Board shall also have power to determine, when maximum prices are in effect with respect to any commodity listed in paragraph (8) (A), whether any subsidy or any part thereof in effect prior to June 30, 1946, shall be reestablished in whole or in part; and the powers of the Administrator, the Commodity Credit Corporation, and the Reconstruction Finance Corporation to pay subsidies in connection with such commodity shall be limited in accordance with any order of the Board.

(10) Whenever maximum prices are in effect for any commodity processed or manufactured in whole or substantial part from any commodity listed in paragraph (8) (A) with respect to which maximum prices are not in effect, no maximum price, and no margin, markup, or discount, shall be maintained with respect to such processed or manufactured commodity which does not return to the processors, manufacturers, and distributors thereof (A) the raw material cost (which must be computed at least once every sixty days at no less than the current cost), (B) the conversion or distribution cost, and (C) a reasonable profit.

**(f) Saving provision.**—Nothing in this section shall limit the Administrator's authority to remove maximum prices for any nonagricultural commodity, or any agricultural commodity with the approval of the Secretary of Agriculture, at an earlier time than would be required by this section, if in his judgment or in the judgment of the Secretary of Agriculture, as the case may be, such action would be consistent with the purposes of this section.

**(g) Petitions for decontrol.**—(1) If in the judgment of the industry advisory committee appointed by the Administrator in accordance with section 2 (a) of this Act [section 902 (a) of this Appendix] to advise and consult with respect to a commodity, the standards set forth in this section require the removal of maximum prices for such commodity, it may file a petition for the removal of such maximum prices. In the case of any nonagricultural commodity, such petition shall be filed with the Administrator in accordance with regulations prescribed by him. In the case of agricultural commodities, such petition shall be filed with the Secretary of Agriculture in accordance with regulations prescribed by him and shall request that he make an appropriate certification or recommendation to the Price Administrator. The petition shall specifically state the grounds upon which the committee believes such action to be required and shall be accompanied by affidavits or other written evidence in support thereof.

(2) Within fifteen days after receiving a petition filed in accordance with the provisions of this subsection, the Administrator or the Secretary of Agriculture, as the case may be, shall either grant the



petition or inform the committee in writing why in his judgment the standards for decontrol stated in subsections (d) and (e) have not been satisfied with respect to the commodity involved. If the petition is not granted in full, the Administrator or the Secretary, as the case may be, shall, within ten days after the receipt of a request by the committee for further consideration of its petition, hold a hearing before himself or before a deputy administrator (or, in the case of the Secretary, before such officer as he may designate) at which the committee may present its argument in support of the petition. The Consumers Advisory Committee and the Labor Advisory Committee appointed by the Administrator shall be given notice of any such hearing and an opportunity to present their views with respect to the petition and may, not later than five days prior to such hearing, present in writing evidence relating thereto. Within fifteen days after such hearing, the Administrator or the Secretary, as the case may be, shall either grant the petition in full or furnish the industry advisory committee with a statement in writing of his reasons for denying it in whole or in part together with a statement of any economic data or other facts of which he has taken official notice in connection with such denial.

(3) At any time within thirty days after the denial in whole or in part, following a hearing, of a petition filed under this subsection, the petitioning industry advisory committee may petition the Price Decontrol Board established under subsection (h) for a review of the action of the Administrator or the Secretary of Agriculture. If the Administrator or the Secretary, as the case may be, fails to act upon a petition within the time prescribed by paragraph (2), the industry advisory committee may, at any time within thirty days after the expiration of the time so prescribed, petition the Price Decontrol Board for the removal of maximum prices on the commodity involved.

(4) Nothing in this section shall be construed to take away or impair any right of any person to protest, in accordance with the provisions of sections 203 and 204 of this Act [sections 923 and 924 of this Appendix], the further maintenance of maximum prices for a commodity under the standards of subsection (d) or (e): *Provided*, That the filing of such a protest or of a petition under paragraph (3) of this subsection shall not be grounds for staying any proceeding brought pursuant to section 205 of this Act [section 925 of this Appendix] or section 37 of the Criminal Code [section 88 of Title 18], and no retroactive effect shall be given to any judgment setting aside a provision of a regulation, order, or price schedule under the standards set forth in this section.

**(h) Price Decontrol Board.**—(1) There is hereby established as an independent agency in the executive branch of the Government a Price Decontrol Board, to be composed of three members appointed by the President by and with the advice and consent of the Senate. Not more than two members of the Board shall be members of the same political party. Two members of the Board shall constitute a quorum, and a vacancy in the membership of the Board shall not impair the power of the remaining members to exercise its functions. Members of the Board shall receive compensation at the rate of \$12,000 a year.

(2) The Board shall appoint and fix the compensation of a secretary for the Board and such other officers and employees as may be necessary to enable it to perform its functions. The Board may make such ex-



penditures as may be necessary for performing its functions. The Board may, with the consent of the head of the department or agency concerned, utilize the facilities, services, and personnel of other agencies or departments of the Government. The Board shall maintain an office in charge of its secretary in the District of Columbia, which shall be open on all business days for the receipt of petitions for review and the transaction of other business of the Board. The Board shall prescribe regulations and procedures for the conduct of its business which will provide for summary disposition, with the utmost expedition consistent with sound decision, of petitions filed with the Board.

(3) A petition made under subsection (g) (3) shall specifically state the grounds upon which the petitioning industry advisory committee believes that maximum prices on the commodity involved should be removed. A copy of such petition shall forthwith be served on the Administrator or the Secretary, as the case may be, who shall within such time as may be fixed by the Board certify and file with the Board a transcript of such portions of the proceedings in connection with the petition under subsection (g) as are material. Such transcript shall include a statement in writing of the Administrator's or Secretary's reasons for believing that maximum prices on the commodity involved should not be removed, together with a statement of any economic data or other facts of which he has taken official notice. At the earliest practicable time the Board shall conduct a hearing upon the petition, at which the Administrator or the Secretary, as the case may be, and the committee shall be given an opportunity to present their views and argument orally or in writing. If application is made to the Board by either party for leave to introduce additional evidence, the Board may permit such evidence to be introduced or filed with it if it deems it material and determines that such evidence could not reasonably have been offered or included in the proceedings under subsection (g). At the earliest practicable time after the hearing on any petition, the Board shall make and issue an order specifying the extent, if any, to which maximum prices on the commodity involved shall be removed. The Board shall order the removal of such maximum prices if and to the extent that in its judgment the standards of decontrol stated in subsection (d) or (e) have been satisfied with respect to the commodity involved. The Administrator shall remove maximum prices with respect to the commodity in question within such time and to such extent as shall be specified in the order of the Board. Orders of the Board shall not be subject to modification or review by any other department or agency or by any court.

(4) No petition may be filed with the Board with respect to any commodity within a period of three months after the issuance of an order of the Board with respect to the same commodity.

(5) The members of the Board may serve as such without regard to the provisions of sections 109 and 113 of the Criminal Code [sections 198 and 203 of Title 18] or section 19 (e) of the Contract Settlement Act of 1944 [last par. of section 119 of Title 41] except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which is within the jurisdiction of the Board.

(6) If the number of petitions filed with the Board should at any time become so great as to prevent the Board from promptly conducting hearings upon such petitions, the Board shall appoint such hearing



commissioners as it deems necessary in order to expedite the transaction of its business. The Board may authorize one or more of the hearing commissioners so appointed to conduct the hearing upon any petition under this subsection and to exercise the authority of the Board with respect to such hearing. After a hearing conducted before a hearing commissioner, the commissioner shall make recommendations consistent with this subsection to the Board concerning its action with respect to the petition. If the Board approves such recommendations, it shall issue an order in conformity therewith. If the Board does not approve such recommendations, the Board may issue such order as it deems proper upon the record or may conduct a new hearing upon the petition before the Board. (Jan. 30, 1942, ch. 26, Title I, § 1a, as added July 25, 1946, ch. 671, § 3, 60 Stat. 664.)

**Effective date, saving provisions.**—Section 18 of act July 25, 1946, cited to text, provided: (1) The provisions of this act [sections 901, 901a, 902, 906, 925, 963, 966 of this Appendix] shall take effect as of June 30, 1946, and (2) all regulations, orders, price schedules, and requirements under the Emergency Price Control Act of 1942, as amended [sections 901–922, 923, 946 of this Appendix] (except regulations or requirements under section 2 (e) thereof [section 902 (e) of this Appendix] relating to meat, flour, or coffee), and the Stabilization Act of 1942, as amended [sections 961–971 of this Appendix], which were in effect on June 30, 1946, shall be in effect in the same manner and to the same extent as if this Act had been enacted on June 30, 1946, and (3) any proceeding, petition, application, or protest which was pending under the Emergency Price Control Act of 1942, as amended, or the Stabilization Act of 1942, as amended, on June 30, 1946, shall be proceeded with and shall be effective in the same manner and to the same extent as if this act had been enacted on June 30, 1946: Provided, That in any case in which the Emergency Price Control Act of 1942, as amended (except sections 204 and 205) [sections 924 and 925 of this Appendix], or the Stabilization Act of 1942, as amended (except sections 8 and 9) [sections 968, 969 of this Appendix], or any regulation, order, or requirement under either of such Acts, prescribes any period of time within which any act is required or permitted to be done, and such period had commenced but had not expired on June 30, 1946, such period is hereby extended for a number of days equal to the number of days from July 1, 1946, to the date of enactment of this act [July 25, 1946], both inclusive: Provided further, That no act or transaction, or omission or failure to act, occurring subsequent to June 30, 1946, and prior to the date of enactment of this Act [July 25, 1946] shall be deemed to be a violation of the Emergency Price Control Act of 1942, as amended, or the Stabilization Act of 1942, as amended, or of any regulation, order, price schedule, or requirement under either of such Acts: Provided further, That insofar as the provisions of this Act require the Administrator to make any change in any maximum price, such provisions shall not be deemed to require such change to be made before the thirtieth day following the date of enactment of this Act [July 25, 1946].

**Short title.**—Congress provided by section 17 of Act July 25, 1946, that sections 901, 901a, 902, 906, 925, 963, and 966 of this Appendix should be popularly known as the “Price Extension Act of 1946”.

**Transfer of functions.**—Administration of program of Commodity Credit Corporation transferred to the Secretary of Agriculture, see note under section 713 of Title 15.

**§ 902. Prices, rents, and market and renting practices.**—(a) Whenever in the judgment of the Price Administrator (provided for in section 201) [section 921 of this Appendix] the price or prices of a commodity or commodities have risen or threaten to rise to an extent or in a manner inconsistent with the purposes of this Act [sections 901–922, 923–946 of this Appendix], he may by regulation or order establish such maximum price or maximum prices as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act [said sections]. So far as practicable, in establishing any maximum price, the Administrator shall ascertain and give due consideration to



the prices prevailing between October 1 and October 15, 1941 (or if, in the case of any commodity, there are no prevailing prices between such dates, or the prevailing prices between such dates are not generally representative because of abnormal or seasonal market conditions or other cause, then to the prices prevailing during the nearest two-week period in which, in the judgment of the Administrator, the prices for such commodity are generally representative), for the commodity or commodities included under such regulation or order, and shall make adjustments for such relevant factors as he may determine and deem to be of general applicability, including the following: Speculative fluctuations, general increases or decreases in costs of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the commodity or commodities, during and subsequent to the year ended October 1, 1941: *Provided*, That no such regulation or order shall contain any provision requiring the determination of costs otherwise than in accordance with established accounting methods. Every regulation or order issued under the foregoing provisions of this subsection shall be accompanied by a statement of the considerations involved in the issuance of such regulation or order. As used in the foregoing provisions of this subsection, the term "regulation or order" means a regulation or order of general applicability and effect. Before issuing any regulation or order under the foregoing provisions of this subsection, the Administrator shall, so far as practicable, advise and consult with representative members of the industry which will be affected by such regulation or order, and shall give consideration to their recommendations. In the case of any commodity for which a maximum price has been established, the Administrator shall, at the request of any substantial portion of the industry subject to such maximum price, regulation, or order of the Administrator, appoint an industry advisory committee, or committees, either national or regional or both, consisting of such number of representatives of the industry as may be necessary in order to constitute a committee truly representative of the industry, or of the industry in such region, as the case may be. The committee shall select a chairman from among its members, and shall meet at the call of the chairman. The Administrator shall from time to time, at the request of the committee, advise and consult with the committee with respect to the regulation or order, and with respect to the form thereof, and classifications, differentiations, and adjustments therein. The committee may make such recommendations to the Administrator as it deems advisable, and such recommendations shall be considered by the Administrator. Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act [sections 901-922, 923-946 of this Appendix], he may, without regard to the foregoing provisions of this subsection, issue temporary regulations or orders establishing as a maximum price or maximum prices the price or prices prevailing with respect to any commodity or commodities within five days prior to the date of issuance of such temporary regulations or orders; but any such temporary regulation or order shall be effective for not more than sixty days, and may be replaced by a regulation or order issued under the foregoing provisions of this subsection. In administering the provisions of this subsection relating to the establishment of industry advisory committees, the Administrator, upon the request of a substantial portion of the indus-



try in any region, shall promptly appoint a regional industry advisory committee for such region.

(b) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act [sections 901–922, 923–946 of this Appendix], he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area. If within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act [said sections]. So far as practicable, in establishing any maximum rent for any defense-area housing accommodations, the Administrator shall ascertain and give due consideration to the rents prevailing for such accommodations, or comparable accommodations, on or about April 1, 1941 (or if, prior or subsequent to April 1, 1941, defense activities shall have resulted or threatened to result in increases in rents for housing accommodations in such area inconsistent with the purposes of this Act [said sections], then on or about a date (not earlier than April 1, 1940), which in the judgment of the Administrator, does not reflect such increases), and he shall make adjustments for such relevant factors as he may determine and deem to be of general applicability in respect of such accommodations, including increases or decreases in property taxes and other costs within such defense-rental area. In designating defense-rental areas, in prescribing regulations and orders establishing maximum rents for such accommodations, and in selecting persons to administer such regulations and others, the Administrator shall, to such extent as he determines to be practicable, consider any recommendations which may be made by State and local officials concerned with housing or rental conditions in any defense-rental area. Whenever the Administrator shall find that, in any defense-rental area or any portion thereof specified by him, the availability of adequate rental housing accommodations and other relevant factors are such as to make rent control unnecessary for the purpose of eliminating speculative, unwarranted, and abnormal increases in rents and of preventing profiteering, and speculative and other disruptive practices resulting from abnormal market conditions caused by congestion, the controls imposed upon rents by authority of this Act [said sections] in such defense-rental area or portion thereof shall be forthwith abolished; but whenever in the judgment of the Administrator it is necessary or proper, in order to effectuate the purpose of this Act [said sections], to reestablish the regulation of rents in any such defense-rental area or portion thereof, he may forthwith by regulation or order reestablish maximum rents for housing accommodations therein in accordance with the standards set forth in this Act [said sections]. Before issuing any regulation or order under the foregoing provisions of this subsection, the Administrator shall, so far as practicable, advise and consult with representative members of the industry which will be affected by such regulation or order, and shall give



consideration to their recommendations. The Administrator shall, at the request of any substantial portion of the industry subject to such regulation or order of the Administrator, appoint a national industry advisory committee, or committees, in the same manner and form and with the same powers and duties as provided in subsection (a) for industry advisory committees relating to price.

After the date upon which this paragraph takes effect [June 30, 1946], the Administrator, when establishing rent ceilings on hotels or when passing upon applications for adjustments of rent ceilings on hotels, is authorized to take into consideration the distinction between transient hotels and residential or apartment hotels, including the difference in the investment, operation, expenses, and mechanical details of operation between the transient hotels and the residential and apartment hotels, and is directed to classify separately by regulation (1) transient hotels, (2) residential and apartment hotels, and (3) tourists courts, rooming houses, and boarding houses.

While maximum rents are in effect under this Act [sections 901-922, 923-946 of this Appendix] with respect to housing accommodations in any defense-rental area, such housing accommodations shall not be subject to rent control by any State or local government.

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(i) For the purposes of this Act [sections 901-922, 923-946 of this Appendix] and the Stabilization Act of 1942, as amended [sections 961-971 of this Appendix], fish and other sea food shall be deemed to be agricultural commodities, and commodities processed or manufactured in whole or substantial part from fish or other sea foods shall be deemed to be manufactured in whole or substantial part from agricultural commodities: *Provided*, That the provisions of section 3 of the Stabilization Act of 1942, as amended [section 963 of this Appendix], shall not be applicable with respect to fish and other sea foods and commodities processed or manufactured in whole or substantial part therefrom, but the maximum price established for any fish or sea food commodity or for any commodity processed or manufactured in whole or substantial part therefrom shall not be below the average price therefor in the year 1942.

(j) Nothing in this Act [sections 901-922, 923-946 of this Appendix] shall be construed (1) as authorizing the elimination or any restriction of the use of trade and brand names; (2) as authorizing the Administrator to require the grade labeling of any commodity; (3) as authorizing the Administrator to standardize any commodity, unless the Administrator shall determine, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to such commodity; or (4) as authorizing any order of the Administrator fixing maximum prices for different kinds, classes, or types of a commodity which are described in terms of specifications or standards, unless such specifications or standards were, prior to such order, in general use in the trade or industry affected, or have previously been promulgated and their use lawfully required by another Government agency; or (5) as authorizing any regulation or order of the Administrator to fix a quantity or percentage of any product which any seller may sell to any buyer.

(k) No regulation, order, or price schedule issued under this Act [sections 901-922, 923-946 of this Appendix] shall, after the effective



date of this subsection, require any seller of goods at retail or any operator of any service establishment to limit his sales with reference to any highest price line offered for sale by him at any prior time.

\* \* \* \* \*

(n) In establishing or maintaining maximum prices under this Act [sections 901–922, 933–946 of this Appendix] or otherwise in the case of collect-on-delivery sales of any commodity where under established practices of the seller a uniform charge is added to the price to cover mailing costs, an increase in maximum prices shall be allowed equivalent to any increase in such costs heretofore or hereafter resulting from increased postal rates or charges.

(o) No maximum price shall be applicable to any item served in any restaurant or other eating establishment if such item consists in whole or major part of a commodity to which no maximum price is applicable with respect to sales to restaurants and other eating establishments, unless the maximum price of such item, when sold by such restaurant or other eating establishment, is determined, under the applicable maximum price regulation or order, by the addition of a customary margin to the acquisition cost of such item.

(p) After July 1, 1946, no maximum price regulation or order shall be issued or continued in effect requiring any seller to limit his sales by any weighted average price limitation based on his previous sales.

(q) In the case of any retail industry, the principal sales of which consisted during the calendar years 1939 to 1941, inclusive, of sales of a commodity or commodities the production or retail distribution of which has been reduced, for a period of three years beginning on or after March 2, 1942, by 75 per centum or more below such production or retail distribution for the calendar years 1939 to 1941, inclusive, as a result of the operation of any governmental regulation or restriction, the Administrator shall not, in establishing maximum prices under this section, reduce established peacetime retail trade discounts or mark-ups or dealer handling charges for any such commodity before the retail unit sales of such commodity for a period of six months shall have reached the average annual retail unit sales thereof for the calendar years 1939 to 1941, inclusive.

(r) In the case of any wholesale industry, the principal sales of which consisted during the calendar years 1939 to 1941, inclusive, of sales of a commodity or commodities, the production or wholesale distribution of which has been reduced for a period of three years beginning on or after March 2, 1942, by 75 per centum or more below such production or wholesale distribution for the calendar years 1939 to 1941, inclusive, as the result of the operation of any governmental regulation or restriction, the Administrator shall not in establishing maximum prices under this section reduce established wholesale trade discounts or normal wholesale mark-ups for any such commodity prevailing on March 2, 1942, before the wholesale unit sales of such commodity for a period of six months shall have reached the average annual wholesale unit sales thereof for the calendar years 1939 to 1941, inclusive.

(s) No maximum price regulation or order shall require the reduction of the established peacetime discounts or mark-ups for the sale of any manufactured or processed commodity (treating as a single com-



modity for the purposes of this paragraph all commodities in a line of related commodities which, for the purpose of establishing manufacturers' and processors' maximum prices, have been placed by the Office of Price Administration under a single regulation) if the retail, wholesale, or other distributive trade selling such commodity shows that the commodity constituted approximately one-half or more of the gross sales income of a majority of the persons engaged in such trade in 1945 and that, in the first quarter of 1946, the deliveries of such commodity to such distributive trade were less than 100 per centum of the deliveries thereof in the corresponding quarter of 1945.

(t) In establishing maximum prices applicable to wholesale or retail distributors, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or mark-up as was in effect on March 31, 1946.

(u) After the date upon which this subsection takes effect [June 30, 1946], no maximum price shall be established or maintained, under this Act [sections 901-922, 923-946 of this Appendix] or under any other provision of law, with respect to any new commodity when the Administrator upon application finds that its use, in the production, manufacturing, or processing of any commodity or commodities, without increasing the cost to the ultimate user, either increases the life or reduces the cost of production, manufacture, or processing of the commodity or commodities produced, manufactured or processed. As used in this subsection the term "new commodity" means a commodity which was not commercially or industrially available prior to January 30, 1942.

(v) In the case of softwood logs and lumber, the maximum prices shall be established at a level which will permit producers of at least 90 per centum of the production of softwood logs and lumber to recover their current costs of production.

(w) In establishing maximum prices for sales of finished woven or knitted fabrics made primarily of cotton fiber or for the sales of apparel made therefrom it shall be unlawful for the Administrator to establish or maintain differentials in the method of determining the basic grey-goods cost or the finished-woven-fabrics or finished-knitted-fabrics cost to which a mark-up is to be applied based on the degree of integration of the seller.

(x) Whenever the world price of a commodity essential to the economy of the United States (average price at which such commodity could be purchased when landed duty paid at any United States port of entry) exceeds the maximum purchase price established by the Administrator, and results in—

(1) an actual reduction of the importation of such commodity into the United States in an amount substantial in relation to the total consumption of the commodity in the United States; or

(2) the substantial curtailment or restriction of the domestic trade in such commodity or products processed directly therefrom, the Administrator shall, in order to maintain and increase domestic production and employment and to make possible the balancing of supply and demand, promptly remove maximum purchase prices from imports of such commodity and maximum prices from products processed directly therefrom, or increase the maximum prices of imports of such commodity and of products processed directly therefrom to the extent necessary to prevent such reduction in importation or cur-



tailment of domestic trade. (As amended June 30, 1945, ch. 214, §§ 3, 4, 59 Stat. 306; July 25, 1946, ch. 671, §§ 4, 5, 7–10, 60 Stat. 670, 671, 673.)

**Amendments.**—Subsec. (a) amended by Act July 25, 1946, cited to text, which added last sentence to provide for the appointment of regional industry advisory committees.

Subsec. (b) amended by acts July 25, 1946, and June 30, 1945, both cited to text. Act July 25, 1946, added paragraphs relating to the distinction between transient and residential or apartment hotels in establishing hotel rent ceilings, and precluding State or local rent control during the effective period of this act. Act June 30, 1945, added last two sentences of first paragraph.

Subsec. (i) amended by act July 25, 1946, cited to text, which, among other changes, classified fish and other sea food and commodities made therefrom as agricultural commodities.

Subsec. (j) amended by act July 25, 1946, cited to text, which added clause (5).

Subsec. (k) amended by act July 25, 1946, cited to text, which extended application thereof to operators of service establishments.

Subsec. (n) added by act June 30, 1945, cited to text.

Subsec. (o–x) added by act July 25, 1946, cited to text.

**Effective date.**—Effective date of act July 25, 1946, see note set out under section 901a of this title.

**Cross references.**—Commodity Credit Corporation as exempt from subsidy provisions of second par. of subsec. (e) of this section, see note set out under section 713 of Title 15. Commerce and Trade.

AMENDMENTS

1945-Subsec. (b) amended by act June 30, 1945, ch. 214, §§ 3, 4, 59 Stat. 306, amended section by adding last two sentences.

Subsec. (n) added by act June 30, 1945, cited to text.

§ 903. Agricultural commodities.

\* \* \* \* \*

(e) Notwithstanding any other provision of this or any other law, no action shall be taken under this Act [sections 901–922, 923–946 of this Appendix] by the Administrator or any other person, without prior written approval of the Secretary of Agriculture, with respect to any agricultural commodity or with respect to any regulation, order price schedule or other requirement applicable to any processor with respect to any food or feed product processed or manufactured in whole or substantial part from any agricultural commodity; except that (1) the foregoing provisions of this subsection shall not apply in the case of any individual adjustment making an increase in a maximum price, and (2) the Administrator may take such action as may be necessary under section 202 and section 205 [sections 922 and 925 of this Appendix] to enforce compliance with any regulation, order, price schedule or other requirement which is lawfully in effect.

AMENDMENTS

1945—Subsec. (e) amended by act June 30, 1945, cited to text.

**§ 906. Establishment and adjustment of maximum prices.**—(a) For the purposes of this section the base period shall be the calendar year 1940, or in the case of an industry customarily keeping its accounts on a fiscal year basis, the industry's fiscal year 1940.

(b) In order that adequate general price levels shall be established for all commodities to bring about maximum production and employment, no maximum prices shall be established or maintained for any product of a producing, manufacturing, or processing industry (in-



cluding any industry furnishing service or transportation the charges for which are subject to the Administrator's control) which do not return on the average to the industry not less than the average dollar price of such product during the base period, plus the average increase in cost of producing, manufacturing, or processing the same accruing since the base period, but the maximum prices for a product shall be deemed in compliance with this standard if such prices on the average are equal to the average current total cost of the product plus the industry's average over-all profit margin on sales in the base period.

(c) For the purpose of determining costs under this section, currently or for the base period, the Administrator shall ascertain the costs of a reasonable number of typical producers, manufacturers, or processors and shall follow accepted methods of accounting and such fair and reasonable methods of calculation as he shall establish by regulation, including adjustments for temporary cost abnormalities which may be reasonably anticipated to be eliminated within the three months following the Administrator's determination, and adjustments for increases in the volume of production which may be reasonably anticipated to be experienced within such three-month period.

(d) Maximum prices established hereunder shall not be held invalid on account of their failure to return his costs to any particular member of any group involved.

(e) Nothing herein shall nullify the power of the Administrator to make reasonable adjustments and exceptions in individual cases under the provisions of section 2 (c) of this Act [section 902 (c) of this Appendix].

(f) If the maximum prices of a product on the average equal its average current total cost plus a reasonable profit, nothing herein shall require any further adjustment of such maximum prices for any period with respect to which it appears that a substantial expansion in the production or use of the product would not be practicable or would be practicable only by reducing the production of at least equally needed products.

(g) As used in this section, "product" shall mean any major item, or any article different in character from other products of the industry; but all the styles, models, or other varieties of any such item or article shall be considered as one product.

(h) The provisions of this section shall not apply with respect to any maximum price applicable to manufacturers or processors in the case of products made in whole or major part from cotton or cotton yarn or wool or wool yarn.

(i) Nothing in this section shall be construed to require any adjustment in maximum prices except pursuant to an application filed under this paragraph, or be construed to invalidate any maximum price unless there is a failure to make adjustments, in accordance with the procedure prescribed in this paragraph, to such extent as may be required to comply with the standards set forth in this section. Any industry advisory committee may apply to the Administrator for the adjustment of the maximum prices applicable to any product in accordance with the standards set forth in this section, and shall present with the application comprehensive evidence with respect to costs and prices. The Administrator shall consider the evidence so presented and all evidence otherwise available to him and, within sixty days after the receipt of such application, he shall make the adjust-



ments in maximum prices required by this section, or, if he finds that no such adjustments are required, he shall deny the application. If the Administrator neither makes the adjustments in the maximum prices for any product required by this section, nor denies the application for such adjustments, within the sixty-day period prescribed in this paragraph, the industry advisory committee concerned may petition the Emergency Court of Appeals, created pursuant to section 204 [section 924 of this Appendix], for relief; and such court shall have jurisdiction by appropriate order to require the Administrator to make such adjustments or deny such application within such time, not to exceed thirty days, as may be fixed by the court. If the Administrator fails to make such adjustments or deny such application within the time so fixed, no maximum price shall thereafter be applicable with respect to any sale of such product by any seller. (Jan. 30, 1942, ch. 26, Title I, § 6, as added July 25, 1946, ch. 671, § 11, 60 Stat. 675.)

Effective date of act July 25, 1946, see note set out under section 901a of this title.

### STABILIZATION ACT OF 1942

**§ 963. Maximum prices for agricultural commodities and products.**—No maximum price shall be established or maintained for any agricultural commodity under authority of this Act [sections 961–964, 965–971 of this Appendix] or otherwise below a price which will reflect to producers of agricultural commodities the higher of the following prices, as determined and published by the Secretary of Agriculture—

(1) The parity price for such commodity (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials) or, in case a comparable price has been determined for such commodity under and in accordance with the provisions of section 3 (b) of the Emergency Price Control Act of 1942 (section 903 (b) of this Appendix), such comparable price (adjusted in the same manner), or

(2) The highest price received by such producers for such commodity between January 1, 1942, and September 15, 1942 (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials), or, if the market for such commodity was inactive during the latter half of such period, a price for the commodity determined by the Secretary of Agriculture to be in line with the prices, during such period, of other agricultural commodities produced for the same general use;

and no maximum price shall be established or maintained under authority of this Act [sections 961–964, 965–971 of this Appendix] or otherwise for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to the producers of such agricultural commodity a price therefor equal to the higher of the prices specified in clauses (1) and (2) of this section: *Provided*, That the President shall, without regard to the limitation contained in clause (2), adjust any such maximum price to the extent that he finds necessary to correct gross inequities; but nothing in this section shall be construed to permit the establishment in any case of a maximum price below a price which will reflect to the producers of any agricultural commodity the price therefor specified in clause (1) of this section: *Provided further*,



That modifications shall be made in maximum prices established for any agricultural commodity and for commodities processed or manufactured in whole or substantial part from any agricultural commodity, under regulations to be prescribed by the President, in any case where it appears that such modification is necessary to increase the production of such commodity for war purposes, or where by reason of increased labor or other costs to the producers of such agricultural commodity incurred since January 1, 1941, the maximum prices so established will not reflect such increased costs: *Provided further*, That in the fixing of maximum prices on products resulting from the processing of agricultural commodities, including livestock, a generally fair and equitable margin shall be allowed for such processing: *Provided further*, That in fixing price maximums for agricultural commodities and for commodities processed or manufactured in whole or substantial part from any agricultural commodity, as provided for by this Act [said section], adequate weighting shall be given to farm labor.

On and after the date of the enactment of this paragraph, it shall be unlawful to establish, or maintain, any maximum price for any agricultural commodity or any commodity processed or manufactured in whole or substantial part from any agricultural commodity which will reflect to the producers of such agricultural commodity a price below the highest applicable price standard (applied separately to each major item in the case of products made in whole or major part from cotton or cotton yarn) of this Act [sections 961-964, 965-971 of this Appendix].

The President, acting through any department, agency, or office of the Government, shall take all lawful action to assure that the farm producer of any of the basic agricultural commodities (cotton, corn, wheat, rice, tobacco, and peanuts) and of any agricultural commodity with respect to which a public announcement has been made under section 4 (a) of the Act entitled "An Act to extend the life and increase the credit resources of the Commodity Credit Corporation and for other purposes," approved July 1, 1941, as amended [713a-8 of Title 15] (relating to supporting the prices of nonbasic agricultural commodities), receives not less than the higher of the two prices specified in clauses (1) and (2) of this section (the latter price as adjusted for gross inequity).

The method that is now used for the purposes of loans under section 8 of this Act [section 968 of this Appendix] for determining the parity price of its equivalent for seven-eighths inch Middling cotton at the average location used in fixing the base loan rate for cotton shall also be used for determining the parity price for seven-eighths inch Middling cotton at such average location for the purposes of this section; and any adjustments made by the Secretary of Agriculture or the War Food Administrator for grade, location, or seasonal differentials for the purposes of this section shall be made on the basis of the parity price so determined: *Provided*, That on and after the date of the enactment of this proviso, [June 30, 1945] no maximum prices shall be established or maintained on products resulting from the processing of cattle and calves, lambs and sheep, and hogs, the processing of each species being separately considered, which, taken together, do not allow for a reasonable margin of profit to the processing industry as a group on each such species.



On and after the date of the enactment of this paragraph [July 25, 1946], it shall be unlawful to establish, or maintain, any maximum price applicable to manufacturers or processors, for any major item in the case of products made in whole or major part from cotton or cotton yarn or wool or wool yarn, unless the maximum price for such major item is fixed and maintained at not less than the sum of the following:

(1) The cotton or wool cost (which must be computed at not less than the parity price or the current cost, whichever is greater, of the grade and staple of cotton or wool used in such item, delivered at the mill);

(2) A weighted average of mill conversion costs; and

(3) A reasonable profit (which shall not be less than a weighted average profit for each unit of such item equal to the weighted average of the profit earned on an equivalent unit of such item during the period 1939 to 1941, both inclusive). (As amended June 30, 1945, c. 214, § 7, 59 Stat. 309; July 25, 1946, ch. 671, § 14, 60 Stat. 677.)

Act June 30, 1945, cited to text, amended section by adding proviso to last par.

Act July 25, 1946, cited to text, added paragraph relating to establishment after July 25, 1946, of maximum prices of cotton or woolen products.

Effective date of act July 25, 1946, see note set out under section 901a of this title.

Fish and other sea food as agricultural commodities, see section 902 (i) of this appendix.

**§ 963a. Slaughter of animals; certification of plants; conditions; partial plant certification; inspection; status of meat for transportation purposes; revocation and termination of certification.**—(a) While this Act [sections 961–971 of this Appendix] is in effect, no quota or other slaughtering limitation shall be imposed upon any slaughterer of animals, under authority of this or any other law, if the Secretary of Agriculture has certified that the slaughtering plant is operated under sanitary conditions and that the meat produced therein is clean, wholesome, and suitable for human consumption; but certification under this section shall not be made with respect to any slaughtering plant (1) at which inspection is maintained under the Act of March 4, 1907 (34 Stat. 1260) [sections 71–93 of Title 21], with respect to all its slaughtering operations, or, (2) at which such inspection under such Act [sections 71–93 of Title 21] was previously maintained if, in the judgment of the Secretary of Agriculture, the slaughterer withdrew such plant from such inspection for the purpose of applying for certification under this section.

(b) As a condition of making certification in the case of any such slaughterer, the Secretary of Agriculture may require that such slaughterer make available to the armed services of the United States, or for Government purchase, such percentage of the meat slaughtered and processed as he may deem necessary or advisable.

(c) The Secretary of Agriculture may make the certification provided for under subsection (a) with respect to a designated part of a slaughtering plant without making such certification with respect to the remainder of such slaughtering plant, in which event the provisions of this section shall apply only to meat produced in such designated part of the slaughtering plant.

(d) In order that he may make the certifications provided for under subsection (a), the Secretary of Agriculture may provide for in-



spection in such manner and by such persons as he may deem advisable.

(e) Meat which is produced under the circumstances specified in this section shall have the same status for transportation in interstate or foreign commerce, when properly identified in accordance with regulations issued by the Secretary of Agriculture, as meat produced in plants at which inspection is maintained under the Act of March 4, 1907 (34 Stat. 1260) [sections 71-93 of Title 21].

(f) The Secretary of Agriculture may refuse or revoke certification in any case when he is not satisfied that the meat made available hereunder will be disposed of in legitimate trade channels in accordance with law.

(g) The Secretary of Agriculture may revoke any certification under subsection (a) if it is found at any time that the slaughterer does not meet each of the conditions required under this section.

(h) Nothing in this section shall prevent the termination, suspension, or limitation of the right of any person to slaughter if such person fails to comply with the price, rationing, or slaughter control requirements imposed under the authority of this or any other law. (Oct. 2, 1942, ch. 578, § 3A, as added June 30, 1945, ch. 214, § 8, 59 Stat. 309.)

**§ 966. Termination of Act.**—The provisions of this Act (except sections 8 and 9 [sections 968 and 969 of this Appendix, and amendments of Title 15, § 713a-8]), and all regulations thereunder, shall terminate on June 30, 1947, or on such earlier date as the Congress by concurrent resolution, or the President by proclamation, may prescribe. (As amended June 30, 1945, ch. 214, § 2, 59 Stat. 306; July 25, 1946, ch. 671, § 2, 60 Stat. 664.)

Acts July 25, 1946, and June 30, 1945, both cited to text, extended termination dates to June 30, 1947, and June 30, 1946, respectively.

#### FARM LABOR SUPPLY APPROPRIATION ACT, 1944

##### **§ 1351. Appropriation to provide adequate supply of agricultural workers; period of availability.**

Agricultural workers; extension of work permits. The First Deficiency Appropriation Act, 1946, act Dec. 28, 1945, ch. 589, title I, 59 Stat. 632, provided in part that agricultural workers may be admitted into the United States to perform agricultural labor in accordance with the provisions of subsec. (g) of this section during the continuance of this program, notwithstanding any official determination of the cessation of hostilities in the present war.

Continuation of program to June 30, 1947. Act Aug. 9, 1946, ch. 934, 60 Stat. 617, provided that the farm labor supply program is to be continued up to June 30, 1947, and such amounts as may be necessary to operate it are authorized to be appropriated.

**Additional appropriations.**—Additional funds were authorized to be merged with available funds as follows:

1945—\$20,000,000—Act Dec. 22, 1944, ch. 660, title I, § 101, 58 Stat. 862.

1946—\$25,000,000—Act Dec. 28, 1945, ch. 589, title I, § 101, 59 Stat. 632.

1947—\$12,000,000—Act July 23, 1946, ch. 591, title I, § 101, 60 Stat. 617.

##### **§ 1353. Same; purpose of expenditures by Administrator of Food Production and Distribution; cooperation of Administrator with other agencies.**

**Administrative expenses.**—Act July 23, 1946, ch. 591, title I, § 101, 60 Stat. 617, provided in part that of the additional \$12,000,000 appropriated by this act the sum of \$280,000 was made available for such purposes under subsec. (c) of this section.



Act Dec. 28, 1945, ch. 589, title I, § 101, 59 Stat. 632, provided in part that of the additional \$25,000,000 appropriated by this act the sum of \$562,023 was made available for such purposes under subsec. (c) of this section.

**§ 1355. Same; payments as liable to withholding tax; definitions; deposit of certain receipts; transfer of C. C. C. camps, applicability of social security, immigration and alien registration laws; amendment and supersedure of act April 29, 1943, ch. 82, 57 Stat. 70; use of prisoners of war; short title.**

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#### AGRICULTURAL WORKERS; EXTENSION OF WORK PERMITS

The First Deficiency Appropriation Act, 1946, act Dec. 28, 1945, ch. 589, title I, 59 Stat. 645, provided in part that agricultural workers may be admitted into the United States to perform agricultural labor in accordance with the provisions of subsec. (g) of this section during the continuance of this program, notwithstanding any official determination of the cessation of hostilities in the present war.

#### CIVILIAN REEMPLOYMENT OF MEMBERS OF MERCHANT MARINE

**§ 1471. Service in the merchant marine; definition; persons entitled to certificate of service.**—(a) When used in this Act [sections 1471–1475 of this Appendix] the term “service in the merchant marine” means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, as an enrollee in the United States Maritime Service on active duty, and, to such extent as the Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator or any civilian marine school under the jurisdiction of the Army Transportation Corps.

(b) Any person entering service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, who, in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration, completes a period of substantially continuous service in the merchant marine, shall be entitled to a certificate to that effect from the Administrator upon completion of such period, which shall include a record of any special proficiency or merit obtained. (As amended Aug. 8, 1946, ch. 867, 60 Stat. 905; Aug. 8, 1946, ch. 912, 60 Stat. 945.)

**1946 amendments.**—Act Aug. 8, 1946, c. 912, cited to text, amended section as to include periods of education and training in Army Transportation Corps civilian marine school as “service in the Merchant marine”.

**§ 1472. Restoration to civilian employment; service both in Merchant Marine and in land or Naval forces; terms and conditions.**—

(a) In the case of any such person who, in order to perform service in the merchant marine, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within ninety days after completion of such service, and, in the case of that person described in subsection (b) of this section who fulfills the requirements of



clauses (1) and (2) of this subsection and in the case of that person described in subsection (c) of this section who fulfills the requirements of clauses (1) and (2) of section 8 (b) of the Selective Training and Service Act of 1940, as amended [section 308 of this Appendix], and makes application for reemployment within ninety days after completion of service in the merchant marine or relief from training and service in the land or naval forces or, in the case of any person described in this section, within ninety days from hospitalization continuing after such completion or such relief for a period not more than one year—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such persons shall be restored to such position or to a position of like seniority, status, and pay, without regard to whether such position shall have been covered into the classified civil service during the period of his military, naval or merchant marine service;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

(b) Any person who, after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, shall have entered upon active military or naval service in the land or naval forces of the United States, and who shall thereafter, within the aforesaid period, have been discharged or released from active service and have received a certificate evidencing satisfactory completion of such active service, and who shall, within thirty days from date of discharge or release from active service, have entered upon service in the merchant marine, shall be entitled to all the reemployment benefits of this Act, as amended [sections 1471-1475 of this Appendix], to the same extent as in the case of any person who, in order to perform service in the merchant marine, has left or leaves a position, other than a temporary position, in the employ of any employer, in lieu of the reemployment benefits of the Selective Training and Service Act of 1940, as amended [sections 301-318 of this Appendix], and of the Service Extension Act of 1941, as amended [sections 351-362 of this Appendix].

(c) Any person who, after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, shall have entered upon service in the merchant marine, and who shall thereafter within the aforesaid period have terminated such service in the merchant marine solely in order to perform active military or naval service in the land or naval forces of the United States, and who shall, within thirty days from date of termination of his service in the merchant marine, have entered upon such active military or naval service, and who shall thereafter have received a partial certificate of substantially continuous service, shall be entitled to all the reemployment benefits of the Selective Training and Service Act of 1940, as amended [sections 301-318 of this Appendix], and of the Service Extension Act of 1941, as amended [sections 351-362 of this



Appendix], to the same extent as in the case of any person who, in order to perform active military or naval service in the land or naval forces of the United States, has left or leaves a position other than a temporary position, in the employ of any employer, in lieu of the reemployment benefits of this Act, as amended [sections 1471–1475 of this Appendix].

(d) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (a) of this section shall be considered as having been on furlough or leave of absence during his period of service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered such service, and shall not be discharged from such position without reasonable cause within one year after such restoration. (As amended Aug. 8, 1946, ch. 867, 60 Stat. 906.)

**1946 amendment.**—Subsec. (a) amended by act Aug. 8, 1946, cited to text, which extended time for application for reemployment to ninety days; added provision in opening paragraph relating to persons serving both in the Merchant Marine, and in the land or naval forces and to application after hospitalization; and added provision in par. (A) concerning positions covered into classified civil service.

Subsecs. (b) and (c) added by Act Aug. 8, 1946, cited to text.

Subsec. (d), formerly subsec. (b), was renumbered (d) and reenacted without change by Act Aug. 8, 1946, cited to text.

**Cross references.**—Effective date of 1946 amendment, see note under section 1471 of this Appendix.

**§ 1473. Proceedings to compel employer's compliance with section 1472; fees or costs.**—In case any private employer fails or refuses to comply with the provisions of section 2 [section 1472 of this Appendix], the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application of the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits. (As amended Aug. 8, 1946, ch. 867, 60 Stat. 907.)

Section reenacted without change by act Aug. 8, 1946, cited to text.

Effective date of 1946 amendment, see note under section 1471 of this appendix.

**§ 1474. Additional compensation to certain civilian employees during period of merchant marine service.**—Employees of the



United States Government, its Territories or possessions or the District of Columbia (including employers of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all of the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), who, subsequent to May 1, 1940, shall have entered upon service in the merchant marine, shall be entitled to receive, in addition to any pay for such service, compensation in their civilian positions covering their accumulated or current accrued leave, or to elect to have such leave remain to their credit until their return from such service. (As amended Aug. 8, 1946, ch. 867, 60 Stat. 907.)

Section reenacted without change by act Aug. 8, 1946, cited to text.

Effective date of 1946 amendment, see note under section 1471 of this appendix.

Lump sum payments for accumulated or accrued annual leave upon separation from service, see sections 61b-61e of Title 5, Executive Departments and Governments Officers and Employees.

**§ 1475. Rules and regulations.**—The Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of this Act [sections 1471-1475 of this Appendix]. (As amended Aug. 8, 1946, ch. 867, 60 Stat. 907.)

Section reenacted without change by act Aug. 8, 1946, cited to text.

Effective date of 1946 amendment, see note under section 1471 of this appendix.

## SURPLUS PROPERTY ACT OF 1944

### § 1619. Designation of disposal agencies.

\* \* \* \* \*

(c) Except as provided in subsection (b) of this section, the Department of State shall be the sole disposal agency for surplus property located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, and with respect to such property the Secretary of State shall exercise the functions heretofore conferred upon the Surplus Property Administrator by Public Law 181, Seventy-ninth Congress [sections 1614a and 1614b of this Appendix]. The Secretary of State shall, subject to the provisions of the War Mobilization and Reconversion Act of 1944 [sections 1651-1678 of this Appendix], have sole responsibility for carrying out the provisions of the Surplus Property Act of 1944 [sections 1611-1614, 1615-1646 of this Appendix], with respect to surplus property located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands. (As amended Aug. 1, 1946, ch. 723, § 1, 60 Stat. 754.)

Subsec. (c) added by act Aug. 1, 1946, cited to text, to make the Department of State the sole disposal agency for property outside the United States, except for property under the jurisdiction of the United States Maritime Commission.

**§ 1621. Utilization of surplus property by federal agencies.**—(a) It shall be the duty of the Administrator to facilitate the transfer of surplus property from one Government agency to other Government agencies for their own use and not for transfer or disposition; and the transfer of surplus property under this section shall be given priority



over all other disposals provided for in this Act [sections 1611–1646 of this Appendix], except disposals to veterans of property reserved exclusively for veterans under subsection (b) of section 16 of this Act [section 1625 (b) of this Appendix]. The Administrator shall prescribe a reasonable time within which Government agencies shall exercise the priority provided by this subsection, but the time so fixed shall not exceed twenty days from the time public notice is given of the availability of the surplus property for disposal to Government agencies.

\* \* \* \* \*

(c) The disposal agency responsible for any such property shall transfer it to the Government agency acquiring it at the fair value of the property as fixed by the disposal agency, under regulations prescribed by the Administrator, unless transfer without reimbursement or transfer of funds is authorized under subsection (d) of this section.

**§ 1622. Disposal to local governments and nonprofit institutions.**

\* \* \* \* \*

(f) The disposal of surplus property under this section to States and political subdivisions and instrumentalities thereof shall be given priority over all other disposals of property provided for in this Act [sections 1611–1646 of this Appendix], except transfers to Government agencies under section 12 [section 1621 of this Appendix] and disposals to veterans under section 16 [section 1625 of this Appendix] and purchases made under subsection (e) of section 18 [section 1627 (e) of this Appendix]: *Provided*, That the Administrator may prescribe a reasonable time during which such priority shall be exercised. (As amended May 3, 1946, ch. 248, § 5, 60 Stat. 169.)

Subsec. (f) amended by act May 3, 1946, cited to text, which added “and disposals to \* \* \* shall be exercised.”.

**§ 1623. Disposition by owning agency; limitations.**

\* \* \* \* \*

(b) Subject only to subsection (c) of this section, any owning agency may dispose of—

- (1) any property which is damaged or worn beyond economical repair;
  - (2) any waste, salvage, scrap, or other similar items;
  - (3) any product of industrial, research, agricultural, or livestock operations, or of any public works construction or maintenance project, carried on by such agency;
- which does not consist of materials which are to be transferred in accordance with sections 98–98h of this title and this subsection, to the stock piles established pursuant to said sections. (As amended July 23, 1946, ch. 590, 60 Stat. 599.)

Subsec. (b) amended by act July 23, 1946, cited to text, to make it conform to sections 98–98g of this title.

**§ 1625. Dispositions to veterans; preference priority; property set aside; regulations; public notice; time limit.**—The Administrator shall prescribe regulations to effectuate the objectives of this Act [sections 1611–1646 of this Appendix] to aid veterans in the acquisition of surplus property, in appropriate quantities and types, to en-



able them to establish and maintain their own small business, professional, or agricultural enterprises. Disposals of surplus property (except real property) to veterans under this subsection shall be given priority over all other disposals of property provided for in this Act [said sections] except transfers to Government agencies under section 12 [section 1621 of this Appendix].

(b) Notwithstanding the provisions of section 12 [section 1621 of this Appendix] of this Act, the Administrator may cause to be set aside or otherwise to be made available quantities and types of any surplus property, except real property, which he determines to be appropriate for exclusive disposal to veterans for their own personal use, and to enable them to establish and maintain their own small business, professional, or agricultural enterprises. The Administrator shall prescribe regulations designed to achieve the equitable distribution of such surplus property among veterans. In selecting any types or quantities of surplus property for disposal in accordance with the provisions of this subsection, the Administrator shall give due consideration to the availability of adequate facilities for and the costs of the distribution of such property. The Administrator shall from time to time cause to be compiled and widely publicized information as to the types and quantities of such surplus property which has or will become available within a given period of time for exclusive disposal to veterans in accordance with the provisions of this subsection.

(c) The Administrator shall prescribe a reasonable time of not less than 15 days after public notice during which property offered to veterans under this section shall be held for disposal to them. (As amended May 3, 1946, ch. 248, § 1, 60 Stat. 168.)

Section amended generally by act May 3, 1946, cited to text, which made original section subd. (a) and added subds. (b) and (c).

### § 1626. Disposition in rural areas

**Transfer of functions.**—Functions of Agricultural Adjustment Agency transferred to Secretary of Agriculture, see note under section 610 of title 7.

### § 1627. Disposition to small business

\*                      \*                      \*                      \*                      \*                      \*

**Purchase of property by Smaller War Plants Corporation.**—(e) The Smaller War Plants Corporation shall have the power to purchase any surplus property for resale, subject to regulations of the Board, to small business (and is empowered to receive other property in exchange as partial or full payment therefor), when in its judgment, such disposition is required to preserve and strengthen the competitive position of small business, or will assist the Corporation in the discharge of the duties and responsibilities imposed upon it. The disposal of surplus property under this subsection shall be given priority immediately following transfers to other Government agencies under section 12 [section 1621 of this Appendix] and disposals to veterans under section 16 [section 1625 of this Appendix]. The provisions of subsection (c) of section 12 [section 1621 (c) of this Appendix] shall be applicable to purchases made under this subsection. (As amended May 3, 1946, ch. 248, § 6, 60 Stat. 169.)

\*                      \*                      \*                      \*                      \*                      \*



Subsec. (e) amended by act May 3, 1946, cited to text, which amended the last sentence reading "The provisions of \* \* \* under this subsection." to read "The disposal of \* \* \* under this subsection."

### § 1628. Disposal of plants.

\* \* \* \* \*

**Disposition of particular classes of plants.**—(c) Whenever the Board may deem it to be in the interest of the objectives of this Act [sections 1611–1646 of this Appendix] it may authorize the disposition of any surplus property listed in classes 9 to 12, inclusive, of subsection (a) of this section. With respect to the property listed in classes 1 to 8, inclusive, no disposition shall be made or authorized until thirty days (or sixty days in the case of aluminum plants and facilities) after such report (or additional report) has been made while Congress is in session, except that the Board may authorize any disposal agency to lease any such property for a term of not more than five years. (As amended Oct. 22, 1945, ch. 432, 59 Stat. 546.)

\* \* \* \* \*

Subsec. (c) amended by act Oct. 22, 1945, cited to text, which inserted "(or sixty days in the case of aluminum plants and facilities)" following "thirty days".

### § 1630. Formulation of policies for disposal of surplus agriculture commodities; restrictions on sale of cotton and woolen goods and farm commodities.

**Transfer of functions.**—Administration of program of Commodity Credit Corporation transferred to Secretary of Agriculture, see note under section 713 of title 15.

### § 1631. Repealed. June 7, 1939, c. 190, § 6 (e), as added July 23, 1946, c. 590, 60 Stat. 599.

**Transfer of surplus.**—Subsec. (e) of section 6 of Act June 7, 1939, c. 190, as added by act July 23, 1946, c. 590, 60 Stat. 599, provided in part: "That any owning agency as defined in that act [sections 1611–1614, 1615–1630, 1632–1646 of this appendix] having control of materials that, when determined to be surplus, are required to be transferred to the stock piles pursuant to subsection (a) hereof [section 98e (a) of this title], shall make such determination as soon as such materials in fact become surplus to its needs and responsibilities."

### § 1632. Disposal of surplus real property—(a) Definitions.—As used in this section—

(1) The term "real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (A) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (B) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (C) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing; and

\* \* \* \* \*

(c) **Classification of property.**—Immediately after the reporting of surplus real property to the Board under section 11 [section 1620



of this Appendix], the Board shall classify such property as agricultural, grazing, forest, mineral, or otherwise, as it may deem advisable. The classification may be revised from time to time. The classification of property by the Administrator (including the determination of whether property is "real property" as defined in this section) shall be based on the highest and best use of the property at the time it is reported as surplus property regardless of its former character or use. (As amended Aug. 7, 1946, c. 790, §§ 1, 2, 60 Stat. 886.)

Subsec. (a) (1) amended by act Aug. 7, 1946, cited to text, which redefined "real property" to include hotels, apartment houses, certain commercial structures, war housing, industrial plants, etc.

Subsec. (c) amended by act Aug. 7, 1946, cited to text, which added second par. to clarify the basis of classification of real property.

**§ 1641. Dispositions outside United States; use of foreign currencies; foreign scholarships; establishment of Board of Foreign Scholarships; appointment and compensation of members; selection preferences; reports.**

\* \* \* \* \*

(b) (1) The provisions of this Act [sections 1611-1614, 1615-1646 of this Appendix] shall be applicable to disposition of property within the United States and elsewhere, but the Secretary of State may exempt from some or all of the provisions hereof dispositions of property located outside of the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, whenever he deems that such provisions would obstruct the efficient and economic disposition of such property in accordance with the objectives of this Act [said sections]. In addition to the authority conferred by section 15 of this Act [section 1624 of this Appendix], the Department of State may dispose of surplus property located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, for foreign currencies or credits, or substantial benefits or the discharge of claims resulting from the compromise, or settlement of such claims by any Government agency in accordance with the law, whenever the Secretary of State determines that it is in the interest of the United States to do so and upon such terms and conditions as he may deem proper. Any foreign currencies or credits acquired by the Department of State pursuant to this subsection shall be administered in accordance with procedures that may from time to time be established by the Secretary of the Treasury and, if and when reduced to United States currency, shall be covered into the Treasury as miscellaneous receipts.

(2) In carrying out the provisions of this section, the Secretary of State is authorized to enter into an executive agreement or agreements with any foreign government for the use of currencies, or credits for currencies, of such government acquired as a result of such surplus property disposals, for the purpose of providing, by the formation of foundations or otherwise, for (A) financing studies, research, instruction, and other educational activities of or for American citizens in schools and institutions of higher learning located in such foreign country, or of the citizens of such foreign country in American schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transpor-



tation, tuition, maintenance, and other expenses incident to scholastic activities; or (B) furnishing transportation for citizens of such foreign country who desire to attend American schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, and whose attendance will not deprive citizens of the United States of an opportunity to attend such schools and institutions: *Provided, however,* That no such agreement or agreements shall provide for the use of an aggregate amount of the currencies, or credits for currencies, of any one country in excess of \$20,000,000 or for the expenditure of the currencies, or credits for currencies, of any one foreign country in excess of \$1,000,000 annually at the official rate of exchange for such currencies, unless otherwise authorized by Congress, nor shall any such agreement relate to any subject other than the use and expenditure of such currencies or credits for currencies for the purposes herein set forth; *Provided further,* That for the purpose of selecting students and educational institutions qualified to participate in this program, and to supervise the exchange program authorized herein, the President of the United States is authorized to appoint a Board of Foreign Scholarships, consisting of ten members, who shall serve without compensation, composed of representatives of cultural, educational, student and war veterans groups, and including representatives of the United States Office of Education, the United States Veterans' Administration, State educational institutions, and privately endowed educational institutions: *And Provided further,* That in the selection of American citizens for study in foreign countries under this paragraph preference shall be given to applicants who shall have served in the military or naval forces of the United States during World War I or World War II, and due consideration shall be given to applicants from all geographical areas of the United States. The Secretary of State shall transmit to the Congress not later than the 1st day of March of each year a report of operations under this paragraph during the preceding calendar year. Such report shall include the text of any agreements which have been entered into hereunder during the preceding calendar year, and shall specify the names and addresses of American citizens who are attending schools or institutions of higher learning in foreign countries pursuant to such agreements, the names and locations of such schools and institutions, and the amounts of the currencies or credits for currencies expended for any of the purposes under this paragraph in each such foreign country during the preceding calendar year. (As amended Aug. 1, 1946, ch. 723, § 2, 60 Stat. 754.)

Subsec. (b) amended by act Aug. 1, 1946, cited to text, which transferred to the Secretary of State from the Surplus Property Administrator all power and responsibility with respect to foreign disposal, and provided for the establishment of a program of foreign scholarships and a Foreign Scholarship Board which will select the students to participate in the program.



## TITLE 60—APPROPRIATIONS-

Sec.

- 206. Joint Resolution, making appropriation for emergency flood control work and for other purposes.
- 207. Joint Resolution, War Food Administration; salaries and expenses.
- 208. Second Deficiency Appropriation Act, 1945.
- 209. First Deficiency Appropriation Act, 1946.
- 210. First Supplemental Surplus Appropriation Rescission Act, 1946.
- 211. Urgent Deficiency Appropriation Act, 1946.
- 212. Second Urgent Deficiency Appropriation Act, 1946.
- 213. Joint Resolution, making additional appropriations for the fiscal year 1946 to pay increased compensation authorized by law to officers and employees of sundry federal and other agencies.
- 214. Second Deficiency Appropriation Act, 1946.
- 215. Second Supplemental Surplus Appropriation Rescission Act, 1946.
- 216. Third Deficiency Appropriation Act, 1946.
- 217. Government Corporations Appropriations Act, 1947.
- 218. Department of Agriculture Appropriation Act, 1947.

**§ 206. Joint Resolution. Making an appropriation for emergency flood-control work and for other purposes.**—Sec. 2. Two million dollars of the balance of the appropriation of \$15,000,000 made in the Second Deficiency Appropriation Act, 1943, for 1943 flood restoration loans, is hereby reappropriated and made available until June 30, 1946, to enable the Secretary of Agriculture, in such manner and upon such terms and conditions as he may prescribe, to make loans and grants to farmers whose property has been or may be destroyed or damaged by floods in 1945 and to service loans made under such appropriation in connection with the 1943 and 1944 floods: *Provided*, That of such amount not to exceed \$300,000 shall be used for grants and not to exceed 10 per centum of the aggregate amounts actually loaned or granted shall be available for administrative expenses.

\* \* \* \* \*

(June 12, 1945. Public Law 82; 79th Cong., 1st sess.)

**§ 207. Joint resolution.**—The appropriations of the departments and agencies available in the fiscal year ending June 30, 1945, are hereby reduced in the sums hereinafter set forth, such sums to be carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act:

\* \* \* \* \*

### DEPARTMENT OF AGRICULTURE

War Food Administration: Salaries and expenses, \$2,000,000;

\* \* \* \* \*

(July 3, 1945. Public Law 127, 79th Cong., 1st sess.)

**§ 208. Second Deficiency Appropriation Act, 1945.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropria-



tions for the fiscal year ending June 30, 1945, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1945, and June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1946, and for other purposes, namely:

\*                      \*                      \*                      \*                      \*                      \*

## DEPARTMENT OF AGRICULTURE

### OFFICE OF THE SOLICITOR

Office of the Solicitor: For an additional amount for the Office of the Solicitor, fiscal year 1946, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1946, \$130,000.

### EXTENSION SERVICE

For carrying into effect Public Law 76, Seventy-ninth Congress, approved June 6, 1945, for cooperative agricultural extension work, fiscal year 1946, \$4,500,000.

### CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

For an additional amount for conservation and use of agricultural land resources, fiscal year 1946, for compliance with programs under the Agricultural Adjustment Act of 1938, as amended, including the measurement of burley tobacco acreages, to be consolidated with the sum of \$22,911,200 made available for salaries and other administrative expenses under this head in the Department of Agriculture Appropriation Act, 1946, \$408,000.

### RURAL ELECTRIFICATION ADMINISTRATION

Salaries and expenses: For an additional amount for "Salaries and expenses", Rural Electrification Administration, fiscal year 1946, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1946, and including \$200 additional for newspapers, \$650,000, together with the unobligated balance of the appropriation made under this head in the First Supplemental Appropriation Act, 1945.

Loans: For an additional amount for "Loans", Rural Electrification Administration, fiscal year 1946, \$120,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation in accordance with the provisions of section 3 (a) of the Rural Electrification Act of 1936, as amended.

### EMERGENCY RUBBER PROJECT

Emergency rubber project: The appropriation entitled "Emergency rubber project" in the Department of Agriculture Appropriation Act, 1946, is hereby amended to read as follows:

"For all expenses necessary to enable the Secretary to carry into effect the Act of March 5, 1942, as amended (7 U. S. C. 171-175), including the harvesting and delivery of guayule shrub to the Rubber Reserve Company, a Government-owned corporation, for processing in mills to be operated by said Company; personal services in the District of Columbia and elsewhere; printing and binding without



regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); purchase of books of reference and periodicals; erection of necessary buildings; procurement of medical supplies or services for emergency use in the field; and the acceptance of donations of land and rubber-bearing plants, and furnishing to employees daily transportation between points of assembly and work projects, there is hereby continued available, in accordance with section 3 of said Act of March 5, 1942, not to exceed \$4,253,662 of the unobligated balances of appropriations made under this head for the fiscal years 1942 and 1943, which balances shall be merged with the appropriation made under this head in the Department of Agriculture Appropriation Act, 1944: *Provided*, That any proceeds from the sales of guayule, rubber processed from guayule, or other rubber-bearing plants, or from other sales, rentals, and fees resulting from operations under such Act of March 5, 1942, as amended, shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That guayule shrub may be sold to the Rubber Reserve Company, at a price reflecting the net realization from the sale of the rubber recovered from such shrub in mills operated by said Company after deducting the cost of milling and amortization of the cost of mills constructed for the purpose by said Company."

#### COMMODITY CREDIT CORPORATION

Salaries and administrative expenses: For an additional amount for "Salaries and administrative expenses", Commodity Credit Corporation, fiscal year 1946, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1946, \$587,500, payable from the funds of said Corporation.

\*                      \*                      \*                      \*                      \*                      \*

(July 5, 1945. Public Law 132, 79th Cong., 1st sess.)

**§ 209. First Deficiency Appropriation Act, 1946.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, namely:

\*                      \*                      \*                      \*                      \*                      \*

#### DEPARTMENT OF AGRICULTURE

##### *Agricultural Research Administration*

#### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Salaries and expenses (foreign plant quarantine): For an additional amount, fiscal year 1946, for "Salaries and expenses" (foreign plant quarantines), including the objects specified under this head in the Department of Agriculture Appropriation Act, 1946, \$187,500.

#### FOREST SERVICE

National forest protection and management: For an additional amount, fiscal year 1946, for national forest protection and manage-



ment, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1946, \$300,000.

#### FOREST ROADS AND TRAILS

Forest roads and trails: For an additional amount, fiscal year 1946, for "Forest roads and trails", including the objects and subject to the conditions specified under this head in the Department of Agriculture Appropriation Act, 1946, \$4,000,000, to remain available until expended, of which amount \$2,000,000 is for forest development roads and trails, being a part of the \$12,500,000 authorized to be appropriated for the first postwar fiscal year by the Act of December 20, 1944 (58 Stat. 838), and \$2,000,000 is for forest highways, being a part of the balance of the \$7,000,000 authorized to be appropriated for the fiscal year 1942 by the Act of September 5, 1940 (54 Stat. 867).

#### WAR FOOD ADMINISTRATION

Salaries and expenses: The limitation on the amount which may be expended for the agricultural wage stabilization program under the appropriation "Salaries and expenses, War Food Administration", in the Department of Agriculture Appropriation Act, 1946, is hereby increased from "\$275,000" to "\$373,700".

#### COMMODITY CREDIT CORPORATION

Salaries and administrative expenses: For an additional amount, fiscal year 1946, for "Salaries and administrative expenses", Commodity Credit Corporation, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1946, \$762,000, payable from the funds of said Corporation.

#### SCHOOL LUNCH PROGRAM

The limitation of \$50,000,000 for the objects and for the purposes of the item "School lunch program" contained in the Department of Agriculture Appropriation Act, 1946, is increased by \$7,500,000.

#### MARKETING SERVICE

Insecticide Act: For an additional amount, fiscal year 1946, for "Insecticide Act", including the objects specified under this head in the Department of Agriculture Appropriation Act, 1946, \$26,500, and the limitation on the amount which may be expended for departmental personal services in the District of Columbia is hereby increased from "\$1,228,446" to "\$1,235,446".

#### FARM LABOR SUPPLY PROGRAM

Supply and distribution of farm labor: The authority and funds provided by the Farm Labor Supply Appropriation Act, 1944, as amended and supplemented, are hereby continued through December 31, 1946, to assist in providing an adequate supply of agricultural labor for the production, harvesting, and preparation for markets of agricultural commodities essential to the orderly transition from war to peace and for carrying out the other purposes of said Act, and,



in addition to the amount hereby continued available, there is hereby appropriated the sum of \$25,000,000 for such purposes, to be merged with the funds hereby continued available. Not less than \$7,000,000 of such additional funds shall be apportioned among the several States in the manner and for the purposes specified in section 2 of said Act, and of the amount so apportioned, not more than \$100,000 may be expended by the State agricultural extension services for the construction of labor supply centers under the limitations of said section 2. In addition to the amounts heretofore made available for administrative expenses pursuant to section 3 (c) of said Act, there is hereby made available, out of said funds, the sum of \$562,023 for such purposes. Agricultural workers may be admitted into the United States to perform agricultural labor in accordance with the provisions of section 5 (g) of said Act during the continuance of this program, notwithstanding any official determination of the cessation of hostilities in the present war.

\* \* \* \* \*

(December 28, 1945. Public Law 269, 79th Cong., 1st sess.)

APPROPRIATION ACTS

§ 210. First Supplemental Surplus Appropriation Rescission Act, 1946.—The appropriations and contractual authorizations of the departments and agencies available in the fiscal year 1946, and prior year unreverted appropriations, are hereby reduced in the sums hereinafter set forth, such sums to be carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act:

EMERGENCY FUNDS APPROPRIATED TO THE PRESIDENT

\* \* \* \* \*

(7) Agricultural, industrial, and other commodities and articles, \$1,351,216,000, and the \$500,000,000 made available by title II of the Second Deficiency Appropriation Act, 1945, as a reserve for expenditure for postwar price support of agriculture shall be paid to the Commodity Credit Corporation and continued as a reserve fund for expenditure, as and when necessary, for the postwar price support of agriculture.

\* \* \* \* \*

EXECUTIVE DEPARTMENTS

[Non-War]

DEPARTMENT OF AGRICULTURE

Emergency rubber project, \$1,649,790, and the balance remaining shall be used to liquidate such project, including the elimination of the remaining plantations, the rehabilitation and return of leased lands to the owners and the disposal of other property according to law, and for the continuation of the production, breeding, and disease phases of guayule research on indicator plots and experimental areas until June 30, 1946: *Provided*, That any balances remaining shall be available until December 31, 1946, for completing the liquidation of the emergency rubber project.

War Food Administration: Salaries and expenses, \$3,116,894.



Emergency supplies for Territories and possessions, \$25,000,000.  
The following appropriations shall be so administered as to avoid the incurrence of deficiencies therein except for such added expense occasioned by the Federal Employees Pay Act of 1945 as it may not be practicable to absorb, namely:

Bureau of Agricultural Economics, salaries and expenses (crop and livestock estimates).

Office of Foreign Agricultural Relations, salaries and expenses.

Agricultural Research Administration:

Bureau of Animal Industry, salaries and expenses (meat inspection) ;

Bureau of Plant Industry, Soils, and Agricultural Engineering, salaries and expenses (fruit, vegetable, and specialty crops) ;

Bureau of Entomology and Plant Quarantine, salaries and expenses (foreign plant quarantine).

Forest Service:

Salaries and expenses (national forest protection and management) ;

Forest-fire cooperation.

\* \* \* \* \*

(February 18, 1946. Public Law 301, 79th Cong. 2d sess.)

**§ 211. Urgent Deficiency Appropriation Act, 1946.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for other purposes, namely:

\* \* \* \* \*

DEPARTMENT OF AGRICULTURE

RURAL ELECTRIFICATION ADMINISTRATION

Loans: For an additional amount, fiscal year 1946, for "Loans," Rural Electrification Administration, \$100,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation in accordance with the provisions of section 3 (a) of the Rural Electrification Act of 1936, as amended.

SEC. 2. This Act may be cited as the "Urgent Deficiency Appropriation Act, 1946". (March 22, 1946, Public Law 329, 79th Cong., 2d sess.)

**§ 212. Second Urgent Deficiency Appropriation Act, 1946.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for other purposes, namely:

\* \* \* \* \*

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Fighting forest fires: For an additional amount, fiscal year 1946, for "Fighting forest fires", \$3,350,000.



## LOANS, GRANTS, AND RURAL REHABILITATION

For funds in addition to funds authorized under this head in the Department of Agriculture Appropriation Act, 1946, and for the same objects and subject to the same conditions, the limitation of \$67,500,000 in the authorization and direction to the Reconstruction Finance Corporation to make advances, contained under this head in said Act, is hereby increased to \$82,500,000.

\* \* \* \* \*

## GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment of the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provision of existing law.

\* \* \* \* \*

(March 28, 1946. Public Law 335, 79th Cong., 2d sess.)

§ 213. **Joint Resolution.**—Making additional appropriations for the fiscal year 1946 to pay increased compensation authorized by law to officers and employees of sundry Federal and other agencies.

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, namely:

\* \* \* \* \*

## DEPARTMENT OF AGRICULTURE

For—

Office of the Secretary: "Salaries and expenses", \$204,000;

Office of the Solicitor: "Salaries and expenses", \$242,000;

Office of Information: "Salaries and expenses", \$72,000;

Library, Department of Agriculture: "Salaries and expenses", \$84,000;

Bureau of Agricultural Economics:

"Economic investigations", \$310,000;

"Crop and livestock estimates", \$217,000;

Office of Foreign Agricultural Relations: "Salaries and expenses", \$85,000;

Extension Service: "Administration and coordination of extension work", \$60,000;



For—

## Agricultural Research Administration:

Office of Administrator: "Salaries and expenses", \$40,000;

"Special research fund, Department of Agriculture", \$120,000;

Office of Experiment Stations:

"Administration of grants and coordination of research with States", \$21,000;

"Federal Experiment Station, Puerto Rico", \$9,000:

## Bureau of Animal Industry:

"Animal husbandry", \$95,000;

"Diseases of animals", \$76,000;

"Eradicating tuberculosis and Bang's disease", \$430,000;

"Inspection and quarantine", \$140,000;

"Meat inspection", \$1,590,000;

"Virus Serum Toxin Act", \$40,000;

"Marketing agreements, hog cholera virus and serum" (increase in sum made available from appropriation made by section 12 (a) of the Agricultural Adjustment Act, approved May 12, 1933, from "\$31,940" to "\$37,740") ;

Bureau of Dairy Industry: "Salaries and expenses", \$99,800;

Bureau of Plant Industry, Soils, and Agricultural Engineering:

"Field crops", \$240,000;

"Fruit, vegetable, and specialty crops", \$205,000;

"Forest diseases", \$31,500;

"Soils, fertilizers, and irrigation", \$105,000;

"Agricultural engineering", \$46,000;

"National Arboretum", \$4,800;

Bureau of Agricultural and Industrial Chemistry:

"Agricultural chemical investigations", \$44,000;

"Naval-stores investigations", \$17,500;

"Regional research laboratories", \$500,000;

Bureau of Human Nutrition and Home Economics:

"Salaries and expenses", \$73,000;

"White pine blister rust control, Department of Agriculture", \$270,000;

Forest Service:

Salaries and expenses:

"General administrative expenses", \$75,000;

"National forest protection and management", \$2,550,000;

"Forest management", \$116,900;

"Range investigations", \$42,100;

"Forest products", \$175,000;

"Forest resources investigations", \$24,000;

"Forest-fire cooperation", \$40,000;

"Farm and other private forestry cooperation", \$36,000;

"Forest roads and trails", \$480,000;

Commodity Credit Corporation: "Salaries and administrative expenses" (increase in limitation for administrative expenses by \$743,000) ;

Federal Crop Insurance Act: "Administrative and operating expenses", \$320,000;



For—

Soil Conservation Service:

- "Soil conservation research", \$164,000;
- "Soil conservation operations", \$4,575,000;
- "Erosion control, Everglades region, Florida", \$10,200;
- "Land utilization and retirement of submarginal land", \$144,000;

Marketing Service:

- "Market news service", \$142,000;
- "Market inspection of farm products", \$68,000;
- "Marketing farm products", \$58,000;
- "Tobacco Acts", \$67,500;
- "Perishable Agricultural Commodities, Produce, Agency, and Standard Container Acts", \$24,500;
- "Cotton Statistics, Classing, Standards, and Futures Acts", \$138,000;
- "United States Grain Standards Act", \$127,000;
- "United States Warehouse Act", \$60,000;
- "Federal Seed Act", \$14,000;
- "Packers and Stockyards Acts", \$48,000;
- "Naval Stores Act", \$4,500;
- "Insecticide Act", \$27,700;
- "Commodity Exchange Act", \$41,500;
- "Freight rates for farm products", \$12,000;
- "Loans, grants, and rural rehabilitation", \$3,200,000;
- Farm tenancy: "Salaries and expenses", \$365,000;
- "Water facilities, arid and semiarid areas", \$25,000;
- Rural Electrification Administration: "Salaries and expenses", \$490,000;
- Farm Credit Administration: "Salaries and expenses", \$66,800; and increase the funds made available pursuant to Act of January 29, 1937, from "\$3,845,209" to "\$4,385,209";
- Total, Department of Agriculture, \$19,203,300.

\* \* \* \* \*

DIVISION OF EXPENSES

\* \* \* \* \*

SEC. 2. The restrictions contained in appropriations or affecting appropriations or other funds, available during the fiscal year 1946, limiting the amounts which may be expended for personal services or for other purposes, or amounts which may be transferred between appropriations or authorizations, are hereby waived to the extent necessary to meet increased pay costs authorized by the Acts of June 30, 1945 (Public Law 106), July 6, 1945 (Public Law 134), July 14, 1945 (Public Law 151), and July 21, 1945 (Public Law 158), and other legislation enacted during or applicable to the fiscal year 1946 authorizing increased pay for civilian employees of the Government. (April 19, 1946. Public Law 349, 79th Cong., 2d sess.)

§ 214. **Second Deficiency Appropriation Act, 1946.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal



years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, namely:

\* \* \* \* \*

DEPARTMENT OF AGRICULTURE

*Agricultural Research Administration*

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Insect investigations: For an additional amount, fiscal year 1946, for "Insect investigations", including the objects specified under this head in the Department of Agriculture Appropriation Act, 1946, \$32,000.

Insect and plant disease control: For an additional amount, fiscal year 1946, for "Insect and plant disease control", \$100,000.

FOREST SERVICE

National forest protection and management: For an additional amount, fiscal year 1946, for "National forest protection and management", including the objects specified under this head in the Department of Agriculture Appropriation Act, 1946, \$250,000.

*Production and Marketing Administration*

CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

The limitation on the amount which may be expended for salaries and other administrative expenses under this head in the Department of Agriculture Appropriation Act, 1946, and the Second Deficiency Appropriation Act, 1945, is hereby increased from "\$23,319,200" to "\$23,919,200".

WATER FACILITIES, ARID AND SEMIARID AREAS

Water facilities, arid and semiarid areas: For an additional amount, fiscal year 1946, for "Water facilities, arid and semiarid areas", including the objects specified under this head in the Department of Agriculture Appropriation Act, 1946, \$325,000.

\* \* \* \* \*

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in



this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to and not in substitution for, any other provision of existing law.

SEC. 302. This Act may be cited as the "Second Deficiency Appropriation Act, 1946". (May 18, 1946. Public Law 384, 79th Cong., 2d sess.)

§ 215. **Second Supplemental Surplus Appropriation Rescission Act, 1946.**—Reducing or further reducing certain appropriations and contractual authorizations available for the fiscal year 1946, and for other purposes. The appropriations and contractual authorizations of the departments and agencies available in the fiscal year 1946, and prior year unrevverted appropriations, are hereby reduced in the sums hereinafter set forth, such sums to be carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act:

\*                      \*                      \*                      \*                      \*                      \*

EXECUTIVE DEPARTMENTS

[Non-War]

DEPARTMENT OF AGRICULTURE

Emergency supplies for Territories and possessions, \$3,800,000.

\*                      \*                      \*                      \*                      \*                      \*

(May 27, 1946. Public Law 391, 79th Cong., 2d sess.)

§ 216. **Third Deficiency Appropriation Act, 1946.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes, namely:

\*                      \*                      \*                      \*                      \*                      \*

DEPARTMENT OF AGRICULTURE

*Agricultural Research Administration*

BUREAU OF ANIMAL INDUSTRY

Inspection and quarantine: For an additional amount, fiscal year 1947, for "Inspection and quarantine," including the objects specified under this head in the Department of Agriculture Appropriation Act, 1947, and for carrying out the provisions of H. J. Res. 364, Seventy-ninth Congress, \$141,000: *Provided*, That \$85,000 of this amount shall not be available for obligation until the enactment of said H. J. Res. 364.

BUREAU OF DAIRY INDUSTRY

Salaries and expenses: For an additional amount, fiscal year 1947, for "Salaries and expenses", including the objects specified under this head in the Department of Agriculture Appropriation Act, 1947, \$10,000.



*Farm Labor Supply Program*

Supply and distribution of farm labor: The authority and funds provided by the Farm Labor Supply Appropriation Act, 1944, as amended and supplemented, are hereby continued through June 30, 1947, for carrying out the purposes of said Act, as amended, and, in addition to the amount hereby continued available, there is hereby appropriated the sum of \$12,000,000 for such purposes, to be merged with the funds hereby continued available. Not less than \$3,000,000 of such additional funds shall be apportioned among the several States in the manner and for the purposes specified in section 2 of said Act, and of the amount so apportioned, not more than \$50,000 may be expended by the State agricultural extension services for the construction of labor supply centers under the limitations of said section 2. In addition to the amounts heretofore made available for administrative expenses pursuant to section 3 (c) of said Act there is hereby made available out of said funds, the sum of \$280,000 for such purposes.

*Commodity Credit Corporation*

Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized to purchase surplus potatoes (including sweet potatoes) produced during the year 1946 and to process and sell such potatoes to any foreign country, and, upon requisition, to the Army and the United Nations Relief and Rehabilitation Administration for the relief of hungry people.

\* \* \* \* \*

(July 23, 1946. Public Law 521, 79th Cong. 2d sess.)

GOVERNMENT CORPORATIONS APPROPRIATIONS ACT, 1947

**§ 217. Making appropriations for Government corporations and independent executive agencies for the fiscal year ending June 30, 1947, and for other purposes.**

\* \* \* \* \*

DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

Operating expenses: For operating and administrative expenses, \$7,340,000, including not to exceed \$700 for newspapers.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation: Nothing in this Act shall be so construed as to prevent the Commodity Credit Corporation from carrying out any activity or any program authorized by law: *Provided*, That not to exceed \$8,760,000, shall be available for administrative expenses of the Corporation, including not to exceed \$400 for periodicals, maps, and newspapers, and not to exceed \$30,000 for penalty mail: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has



an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That the Secretary of the Treasury is hereby authorized and directed to discharge \$921,456,561 of the indebtedness of the Commodity Credit Corporation to the Secretary of the Treasury by canceling notes in such amount issued by the Corporation to the Secretary of the Treasury pursuant to section 4 of the Act of March 8, 1938, as amended (15 U. S. C. 713a-4).

#### FEDERAL CROP INSURANCE CORPORATION

Federal Surplus Commodities Corporation: *Provided*, That funds acquired by the Corporation as an agency of the United States, other than funds transferred pursuant to the Act of June 28, 1937 (50 Stat. 323), shall remain available to the Secretary of Agriculture for the purpose of liquidation and dissolution of the Corporation: *Provided further*, That all administrative duties shall be performed by the Commodity Credit Corporation and paid for within the limitation on administrative expenses of the Commodity Credit Corporation without reimbursement therefor.

Federal Farm Mortgage Corporation: *Provided*, That not to exceed \$3,750,000 shall be available for administrative expenses of the Corporation, including employment on a contract or fee basis of persons, firms, and corporations for the performance of special services, including legal services; use of the services and facilities of Federal land banks, national farm-loan associations, Federal Reserve banks, and agencies of the Government as authorized by the act of January 31, 1934 (12 U. S. C. 1020-1020h): *Provided further*, That except for the limitation in amount hereinbefore specified the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Act of January 31, 1934, as amended (12 U. S. C. 1016-1020h).

Federal Intermediate Credit Banks: *Provided*, That not to exceed \$1,500,000 shall be available for administrative expenses.

Production Credit Corporations: *Provided*, That not to exceed \$1,600,000 shall be available for administrative expenses.

Regional Agricultural Credit Corporation of Washington, District of Columbia: *Provided*, That not to exceed \$341,000 shall be available for administrative expenses.

\* \* \* \* \*

(July 20, 1946, Public Law 519, 79th Cong. 2d sess.)

**§ 218. Department of Agriculture Appropriation Act, 1947.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture for the fiscal year ending June 30, 1947, hereinafter referred to as the current fiscal year, namely:

#### DEPARTMENT OF AGRICULTURE

##### *Office of the Secretary*

##### SALARIES AND EXPENSES

For the Secretary of Agriculture, hereafter in this Act referred to as the Secretary, and other personal services in the Office of the



Secretary in the District of Columbia, and elsewhere, and other necessary expenses, including the purchase of one and the maintenance, repair, and operation of four motor-propelled passenger-carrying vehicles; travel expenses, including examination of estimates for appropriations in the field; stationery, supplies, materials, and equipment; freight, express, and drayage charges; advertising, communication service, postage, washing towels, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, hereafter in this Act referred to as the Department, \$1,838,500, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such services and expenses, which several amounts or portions thereof as may be determined by the Secretary, not exceeding a total of \$79,480, shall be transferred to and made a part of this appropriation: *Provided, however,* That if the total amounts of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further,* That, of appropriations herein made which are available for the purchase of lands, not to exceed \$1 may be expended for each option to purchase any particular tract or tracts of land: *Provided further,* That no part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same: *Provided further,* That, except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

#### PENALTY MAIL

For deposit in the general fund of the Treasury for cost of penalty mail of the Department, as required by section 2 of the Act of June 28, 1944 (39 U. S. C. 321d), \$3,186,000.

#### OFFICE OF THE SOLICITOR

For necessary expenses for the Office of Solicitor including personal services in the District of Columbia and elsewhere, purchase of law-books, books of reference, and periodicals, and payment of fees or dues for the use of law libraries by attorneys in the field service, \$2,214,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the



current fiscal year for such expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$120,115 shall be transferred to and made a part of this appropriation; and there may be expended for personal services in the District of Columbia not to exceed \$1,484,848: *Provided, however,* That if the total amounts of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations.

## OFFICE OF INFORMATION

### SALARIES AND EXPENSES

For necessary expenses in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and reports, the preparation, distribution, and display of agricultural motion and sound pictures, and exhibits, and the coordination of informational work in the Department, \$578,500, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$12,555 shall be transferred to and made a part of this appropriation, of which total appropriation amounts not exceeding those specified may be used for the purposes enumerated as follows: For personal services in the District of Columbia, \$525,320; for preparation and display of exhibits, \$115,900; and the preparation, distribution, and display of motion and sound pictures, \$58,296: *Provided, however,* That if the total amounts of the appropriations or authorizations for the current fiscal year from which transfers to this appropriation are herein authorized shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further,* That when and to the extent that in the judgment of the Secretary agricultural exhibits and motion and sound pictures relating to the authorized programs of the various agencies of the Department can be more advantageously prepared, displayed, or distributed by the Office of Information, as the central agency of the Department therefor, additional funds not exceeding \$300,000 for these purposes may be transferred to and made a part of this appropriation, from the funds applicable, and shall be available for the objects specified herein, including personal services in the



District of Columbia: *Provided further*, That in the preparation of motion pictures or exhibits by the Department, not exceeding a total of \$10,000 may be used for employment pursuant to the second sentence of section 706 (a) of the Department of Agriculture Organic Act of 1944 (5 U. S. C. 574), said Act being elsewhere herein referred to as the Organic Act of 1944: *Provided*, That no part of this appropriation shall be used for the establishment or maintenance of regional or State field offices or for the compensation of employees in such offices except that not to exceed \$9,000 may be used to maintain the San Francisco radio office.

#### PRINTING AND BINDING

For all printing and binding for the Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, except as otherwise in this Act provided, \$1,309,500, including the purchase of reprints of scientific and technical articles published in periodicals and journals; the Annual Report of the Secretary, as required by the Acts of January 12, 1895 (44 U. S. C. 111, 212-220, 222, 241, 244), March 4, 1915 (7 U. S. C. 418), and June 20, 1936 (5 U. S. C. 108) and in pursuance of the Act approved March 30, 1906 (44 U. S. C. 214, 224), also including not to exceed \$250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct, but not including work done at the field printing plants of the Forest Service authorized by the Joint Committee on Printing, in accordance with the Act approved March 1, 1919 (44 U. S. C. 111, 220); and including \$180,000 for printing and binding two hundred thirty-one thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture), as authorized by section 73 of the Act of January 12, 1895 (44 U. S. C. 241): *Provided*, That the Secretary may transfer to this appropriation from the appropriation made for "Conservation and Use of Agricultural Land Resources" such sums as may be necessary for printing and binding in connection with marketing quotas under the Agricultural Adjustment Act of 1938, and from funds appropriated to carry into effect the terms of section 32 of the Act of August 24, 1935 (7 U. S. C. 612c), as amended, such sums as may be necessary for printing and binding in connection with the activities under said section 32: *Provided further*, That the total amount that may be transferred under the authority granted in the preceding proviso shall not exceed \$190,000.

#### LIBRARY, DEPARTMENT OF AGRICULTURE

Salaries and expenses: For purchase and exchange of reference books, lawbooks, technical and scientific books, periodicals, and for expenses incurred in completing imperfect series; not to exceed \$1,200 for newspapers; dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who



are not members; salaries in the city of Washington and elsewhere; travel expenses, and library fixtures, library cards, supplies, and all other necessary expenses, \$552,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year, for such salaries and expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$850, shall be transferred to and made a part of this appropriation, of which total appropriation not to exceed \$381,640 may be expended for personal services in the District of Columbia: *Provided, however,* That if the total amounts of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations.

#### BUREAU OF AGRICULTURAL ECONOMICS

For necessary expenses, including not to exceed \$2,121,589 for personal services in the District of Columbia, of the Bureau of Agricultural Economics, including the salary of Chief of Bureau at \$10,000 per annum, and not to exceed \$1,000 for the purchase of books of reference, periodicals, and newspapers, as follows:

Economic investigations: For conducting investigations and for acquiring and diffusing useful information among the people of the United States, relative to agricultural production, distribution, land utilization, and conservation in their broadest aspects, including farm management and practice, utilization of farm and food products, purchasing of farm supplies, farm population and rural life, farm labor, farm finance, insurance and taxation, adjustments in production to probable demand for the different farm and food products; land ownership and values, costs, prices and income in their relation to agriculture, including causes for their variations and trends, \$2,163,457, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such salaries and expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$71,150 shall be transferred to and made a part of this appropriation: *Provided, however,* That if the total amounts of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further,* That no part of the funds herein



appropriated or made available to the Bureau of Agricultural Economics under the heading "Economic investigations" shall be used for State and county land-use planning, for conducting cultural surveys, or for the maintenance of regional offices.

Crop and livestock estimates: For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops and numbers, grades, and value of livestock and livestock products on farms, and for the collection and publication of statistics of peanuts as provided by the Act approved June 24, 1936, as amended May 12, 1938 (7 U. S. C. 951-957), \$2,132,000: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intention of farmers as to the acreage to be planted in cotton, or for estimates of apple production for other than the commercial crop.

#### OFFICE OF FOREIGN AGRICULTURAL RELATIONS

Salaries and expenses: For carrying out the functions of the Secretary under the Act of June 5, 1930, as amended (7 U. S. C. 541-545), and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including the employment of persons and means in the District of Columbia and elsewhere, the purchase, maintenance, repair, and operation of one passenger automobile in the District of Columbia, and the purchase of books and periodicals and not to exceed \$500 for newspapers, \$650,000.

#### INTERNATIONAL PRODUCTION CONTROL COMMITTEES

Not to exceed \$12,500 may be expended from the appropriations "Salaries and expenses, Agricultural Adjustment Administration" and "Sugar Act" for the share of the United States as a member of the International Wheat Advisory Committee, the International Sugar Council, or like events or bodies concerned with the reduction of agricultural surpluses or with other objectives of said appropriations, together with traveling and other necessary expenses relating thereto.

#### EXTENSION SERVICE

##### PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO

For payments to the States, Hawaii, Alaska, and Puerto Rico, for cooperative agricultural extension work as follows:

Capper-Ketcham, Bankhead-Jones, and related Acts: Capper-Ketcham Act, the Act approved May 22, 1928 (7 U. S. C. 343a, 343b), \$1,480,000; Bankhead-Jones Act, section 21, title II, of the Act approved June 29, 1935 (7 U. S. C. 343c), \$12,000,000; Bankhead-Jones Act, section 23, title II, of the Act approved June 29, 1935, as amended by the Act of June 6, 1945 (Public Law 76), \$8,500,000; additional extension work, the Act approved April 24, 1939, as amended (7 U. S. C. 343c-1), \$555,000; Alaska, the Act approved February 23, 1929 (7 U. S. C. 386c), extending the benefits of the Smith-Lever Act to the Territory of Alaska, \$13,950, and section 3



of the Act approved June 20, 1936 (7 U. S. C. 343e), extending the benefits of the Capper-Ketcham Act to the Territory of Alaska, \$10,000, in all, for Alaska, \$23,950; Puerto Rico, the Act approved August 28, 1937 (7 U. S. C. 343f-343g) extending the benefits of section 21 of the Bankhead-Jones Act to Puerto Rico, \$140,000; in all, Capper-Ketcham, Bankhead-Jones, and related Acts, \$22,698,950.

#### SALARIES AND EXPENSES

Administration and coordination of extension work: For the employment of persons and means in the District of Columbia and elsewhere to enable the Secretary to administer the provisions of the Smith-Lever Act, approved May 8, 1914 (7 U. S. C. 341-348), and Acts amendatory or supplementary thereto, and to coordinate the extension work of the Department and the several States, Territories, and insular possessions, \$776,900, of which amount not to exceed \$620,000 may be expended for personal services in the District of Columbia.

#### AGRICULTURAL RESEARCH ADMINISTRATION

##### OFFICE OF ADMINISTRATOR

Salaries and expenses: For necessary salaries and expenses of the Office of Administrator, including the salary of the Administrator at \$10,000 per annum, and personal services in the District of Columbia and elsewhere, and for necessary expenses in connection with the maintenance, operation, and furnishing of facilities and services at the Agricultural Research Center, including not to exceed \$15,000 for the construction of a building to house water-treatment facilities at the Center, and including not to exceed \$20,000 to be immediately available for special exploratory investigations of agricultural problems of Alaska, \$480,500: *Provided*, That the appropriation current at the time services are rendered may be reimbursed (by advance credits or reimbursements based on estimated or actual charges) from applicable appropriations, to cover the charges, including handling and other related services, for equipment rentals (including depreciation, maintenance, and repairs); for services, supplies, equipment and materials furnished, stores of which may be maintained at the Center, and for building construction, alteration, and repair performed by the Center in carrying out the purposes of such applicable appropriations and the applicable appropriations may also be charged their proportionate share of the necessary general expenses of the Center not covered by this appropriation: *Provided further*, That the several appropriations of the Agricultural Research Administration shall be available for the construction, alteration, and repair of buildings and improvements: *Provided, however*, That unless otherwise provided, the cost of constructing any one building (excepting head-houses connecting greenhouses) shall not exceed \$5,000, the total amount for construction of buildings costing more than \$2,500 each shall be within the limits of the estimates submitted and approved therefor, and the cost of altering any one building during the fiscal year shall not exceed \$2,500 or 2 per centum of the cost of the building as certified by the Research Administrator, whichever is greater.



## SPECIAL RESEARCH FUND, DEPARTMENT OF AGRICULTURE

For enabling the Secretary to carry into effect the provisions of an Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (7 U. S. C. 427, 427b, 427c, 427f); for administration of the provisions of section 5 of the said Act, and for special research work, including the planning, programming, coordination, and printing the results of such research, to be conducted by such agencies of the Department as the Secretary may designate or establish, and to which he may make allotments from this fund, including the employment of persons and means in the District of Columbia and elsewhere; \$1,193,000, of which amount \$723,126 shall be available for the maintenance and operation of research laboratories and facilities in the major agricultural regions provided for by section 4 of said Act.

## OFFICE OF EXPERIMENT STATIONS

*Payments to States, Hawaii, Alaska, and Puerto Rico*

For payments to the States, Hawaii, Alaska, and Puerto Rico to be paid quarterly in advance, to carry into effect the provisions of the following Acts relating to agricultural experiment stations:

Hatch, Adams, Purnell, Bankhead-Jones, and related Acts: Hatch Act, the Act approved March 2, 1887 (7 U. S. C. 362, 363, 365, 368, 377-379), \$720,000; Adams Act, the Act approved March 16, 1906 (7 U. S. C. 369), \$720,000; Purnell Act, the Act approved February 24, 1925 (7 U. S. C. 361, 366, 370, 371, 373-376, 380, 382), \$2,880,000; Bankhead-Jones Act, title I of the Act approved June 29, 1935 (7 U. S. C. 427-427g), \$2,663,708; Hawaii, the Act approved May 16, 1928 (7 U. S. C. 386-386b), extending the benefits of certain Acts of Congress to the Territory of Hawaii, \$90,000; Alaska, the Act approved February 23, 1929 (7 U. S. C. 386c), extending the benefits of the Hatch Act to the Territory of Alaska, \$15,000, and the provisions of section 2 of the Act approved June 20, 1936 (7 U. S. C. 369a), extending the benefits of the Adams and Purnell Acts to the Territory of Alaska, \$27,500; in all, for Alaska, \$42,500; Puerto Rico, the Act approved March 4, 1931, as amended (7 U. S. C. 386d-386f), extending the benefits of certain Acts of Congress to Puerto Rico, \$90,000; in all, payments to States, Hawaii, Alaska, and Puerto Rico, \$7,206,208.

*Salaries and expenses*

Administration of grants and coordination of research with States: For salaries and expenses, including not to exceed \$162,350 for personal services in the District of Columbia, necessary to enable the Secretary to enforce the provisions of the Acts approved March 2, 1887, March 16, 1906, February 24, 1925, May 16, 1928, February 23, 1929, March 4, 1931, and June 20, 1936, and Acts amendatory thereto (7 U. S. C. 361-363, 365-383, 386-386f), relative to their administration and for the administration of an agricultural experiment station in Puerto Rico, \$173,000; and the Secretary shall prescribe the form of the annual financial statement required under the above Acts, ascer-



tain whether the expenditures are in accordance with their provisions, coordinate the research work of the State agricultural colleges and experiment stations in the lines authorized in said Acts with research of the Department in similar lines, and make report thereon to Congress.

Federal Experiment Station, Puerto Rico: To enable the Secretary to establish and maintain an agricultural experiment station in Puerto Rico, including the preparation, illustration, and distribution of reports and bulletins, \$170,200, of which not to exceed \$56,000 may be expended for construction of seven buildings.

#### BUREAU OF ANIMAL INDUSTRY

##### *Salaries and expenses*

For the employment of persons and means in the District of Columbia and elsewhere, including not to exceed \$698,246 for departmental personal services in the District of Columbia, for carrying out the provisions of the Act, as amended, establishing a Bureau of Animal Industry, and related Acts, and for investigations concerned with the livestock and meat industries, as follows:

Animal husbandry: For investigations and experiments in animal husbandry and animal and poultry feeding and breeding, and for carrying out the purposes of section 101 (b) of the Organic Act of 1944 (7 U. S. C. 429) authorizing cooperation with State authorities in the administration of regulations for the improvement of poultry, poultry products, and hatcheries, \$965,900, including not to exceed \$20,000 for construction of three or more buildings at the Southwest Poultry Experiment Station, Glendale, Arizona.

Diseases of animals: For scientific investigations of diseases of animals, and necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, \$885,000, including not to exceed \$30,000 for construction of a building to be used in conducting investigations of pneumoencephalitis in poultry and not to exceed \$75,000 for enlarging the zoological laboratory building at the Agricultural Research Center.

Eradicating tuberculosis and Bang's disease: For the control and eradication of the diseases of tuberculosis and paratuberculosis of animals, avian tuberculosis, and Bang's disease of cattle, \$6,750,000: *Provided*, That no part of the money hereby appropriated shall be used in compensating owners of cattle except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of cattle shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal if at the time of inspection or test, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any cattle condemned for slaughter shall exceed one-third of the difference between the appraised value of such cattle and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned; and that in no case shall any payment hereunder be more



than \$25 for any grade animal or more than \$50 for any purebred animal.

**Inspection and quarantine:** For inspection and quarantine work, including the control and eradication of hog cholera and related swine diseases, southern cattle ticks, scabies in sheep and cattle, and dourine in horses, the supervision of the transportation of livestock, the inspection of vessels, the execution of the twenty-eight-hour law, the inspection and quarantine of imported animals in accordance with the Act of August 30, 1890 (21 U. S. C. 102), and the inspection work relative to the existence of contagious diseases, \$1,125,000.

**Meat inspection:** For carrying out the provisions of laws relating to Federal inspection of meat and meat food products, \$9,160,000.

**Virus Serum Toxin Act:** For carrying out the provisions of the Act approved March 4, 1913 (21 U. S. C. 151-158), regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals, \$300,000.

**Marketing agreements, hog cholera virus and serum:** The sum of \$37,300 of the appropriation made by section 12 (a) of the Agricultural Adjustment Act, approved May 12, 1933, is hereby made available during the fiscal year for which appropriations are herein made to carry into effect sections 56 to 60, inclusive, of the Act approved August 24, 1935 (7 U. S. C. 851-855), entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", including the employment of persons and means in the District of Columbia and elsewhere.

*Eradication of foot-and-mouth and other contagious diseases of animals*

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, which, in the opinion of the Secretary, threatens the livestock or the poultry industry of the country, he may expend in the city of Washington or elsewhere any unexpended balances of appropriations heretofore made for this purpose, not to exceed \$305,000, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction of animals (including poultry) affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for such animals hereafter purchased may be made on appraisement based on the meat, egg-production, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any such animal shall exceed three times its meat, egg-production, or dairy value, and, except in case of an extraordinary emergency, to be determined by the Secretary, the payment by the United States Government for any such animals shall not exceed one-half of any such appraisements: *Provided further*, That poultry may be appraised in groups when the basis for appraisal is the same for each bird.



## BUREAU OF DAIRY INDUSTRY

Salaries and expenses: For necessary expenses, including not to exceed \$497,032 for personal services in the District of Columbia, of the Bureau of Dairy Industry in carrying out the provisions of the Act of May 29, 1924 (7 U. S. C. 401-404), including investigations, experiments, and demonstrations in dairy industry, for carrying out the applicable provisions of the Acts of May 9, 1902 (26 U. S. C. 2325, 2326 (c), 2327 (b)), and August 10, 1912 (26 U. S. C. 2327 (c)), relating to process or renovated butter, and the Act of May 23, 1908 (21 U. S. C. 94 (a)), insofar as it relates to the exportation of process or renovated butter, \$981,012.

## BUREAU OF PLANT INDUSTRY, SOILS, AND AGRICULTURAL ENGINEERING

*Salaries and expenses*

For expenses necessary for investigations, experiments, and demonstrations in connection with the production and improvement of farm crops and other plants and plant industries; soils and soil-plant relationships, and the application of engineering principles to agriculture; plant diseases, including nematodes, and methods for their prevention and control; plant and plant-disease collections and surveys; the distribution of weeds and means for their control; methods of handling, processing, transportation, and storage of agricultural products; and plants in foreign countries and our possessions for introduction into the United States, including explorations and surveys, and propagation and testing in this country; for the operation and maintenance of airplanes; and for personal services in the city of Washington and elsewhere, as follows:

Field crops: For investigations on the production, improvement, and diseases of alfalfa, barley, clover, corn, cotton, flax, grasses, oats, rice, rubber crops, sorghums, soybeans, sugar beets, sugarcane, tobacco, wheat, and other field crops, including not to exceed \$26,800 for investigation in the blackroot disease of sugar beets, \$2,428,300; and there shall be transferred to the Bureau of Plant Industry, Soils, and Agricultural Engineering, without compensation therefor, real property (located in the vicinity of Salinas, California) and personal property valued at not exceeding a total of \$306,000, acquired for and heretofore used in connection with the Emergency Rubber Project; and there shall be included in the next annual Budget a statement in detail of the amount and value of the property so transferred.

Fruit, vegetable, and specialty crops: For investigations on the production, improvement, and diseases of fruit, vegetable, nut, ornamental, drug, condiment, oil, insecticide, and related crops and plants, \$2,070,300.

Forest diseases: For investigations of diseases of forest and shade trees and forest products, and methods for their control, \$371,500.

Soils, fertilizers, and irrigation: For investigations of soil management methods to increase and maintain productivity, including fertilization, liming, crop rotations, tillage practices, and other means of improving soils; fertilizers, fertilizer ingredients, and their improvement for agricultural use; soil management and crop production on



dry and irrigated lands, and the quality of irrigation water and its use by crops; and for the classification of soils in a national system and indication of their extent and distribution on maps, and determination of their potential productivity under adapted cropping and improved soil management; \$1,355,000.

**Agricultural engineering:** For investigations involving the application of engineering principles to agriculture, including farm power and equipment, rural water supply and sanitation, and rural electrification; farm buildings and their appurtenances and buildings for processing and storing farm products, and the preparation and distribution of building plans and specifications; cotton ginning, and other engineering problems relating to the production, processing, transportation, and storage of agricultural products; \$584,000.

**National Arboretum:** For the maintenance and development of the National Arboretum established under the provisions of the Act entitled "An Act authorizing the Secretary of Agriculture to establish a National Arboretum, and for other purposes," approved March 4, 1927 (20 U. S. C. 191–194), including travel expenses of the advisory council, \$76,000, of which not to exceed \$2,500 may be expended for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574).

#### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

##### *Salaries and expenses*

For expenses necessary for investigations, experiments, demonstrations, and surveys for the promotion of economic entomology, for investigating and ascertaining the best means of destroying insects and related pests injurious to agriculture, for importing useful and beneficial insects and bacterial, fungal, and other diseases of insects and related pests, for investigating and ascertaining the best means of destroying insects affecting man and animals, and the best ways of utilizing beneficial insects, for carrying into effect the provisions of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151–167), the Honey Bee Act (7 U. S. C. 281–283), the Insect Pest Act (7 U. S. C. 141–144), the Mexican Border Act (7 U. S. C. 149) and the Organic Act of 1944 (7 U. S. C. 147a), authorizing the eradication, control, and prevention of spread of injurious insects and plant pests; including the operation and maintenance of airplanes and the purchase of not to exceed seven, and not to exceed \$625,560 for personal services in the District of Columbia, as follows:

**Insect investigations:** For the investigation of insects affecting fruits, grapes, nuts, trees, shrubs, forests and forest products, truck and garden crops, cereal, forage and range crops, cotton, tobacco, sugar plants, ornamental and other plants and agricultural products, household possessions, and man and animals; for bee culture and apiary management; for classifying, identifying, and collecting information to determine the distribution and abundance of insects; for investigations in connection with introduction of natural enemies of injurious insects and related pests and for the exchange with other countries of useful and beneficial insects and other arthropods; for developing methods, equipment, and apparatus to aid in enforcing plant quarantines and in the eradication and control of insect pests



and plant diseases; and for investigations of insecticides and fungicides, including methods of their manufacture and use and the effects of their application, \$2,676,500.

Insect and plant disease control: For carrying out operations or measures to eradicate, suppress, control, or to prevent or retard the spread of Japanese beetle, sweetpotato weevil, Mexican fruitflies, gypsy and brown-tail moths, Dutch elm disease, phony peach and peach mosaic, cereal rusts, and pink bollworm and *Thurberia* weevil, including the enforcement of quarantine regulations and cooperation with States to enforce plant quarantines as authorized by the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151-167), and including the establishment of such cotton-free areas as may be necessary to stamp out any infestation of the pink bollworm as authorized by the Act of February 8, 1930 (46 Stat. 67), and for the enforcement of domestic plant quarantines through inspection in transit, including the interception and disposition of materials found to have been transported interstate in violation of Federal plant quarantine laws or regulations, and operations under the Terminal Inspection Act (7 U. S. C. 166), \$3,066,600: *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees, farm animals, farm crops, or other property injured or destroyed: *Provided further*, That, in the direction of the Secretary, no part of this appropriation shall be expended for the control of sweetpotato weevil in any State until such State has provided cooperation necessary to accomplish this purpose, or for barberry eradication until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations for the accomplishment of this purpose: *Provided further*, That in the discretion of the Secretary, no expenditures from this appropriation shall be made for applying methods of control of the Dutch elm disease in any State where measures for the removal and destruction of trees on non-Federal lands suffering from the Dutch elm disease are not in force, provided such removal and destruction are deemed essential or appropriate for the carrying on of the control program, nor until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals, or organizations concerned: *Provided, however*, That expenditures incurred for removal of trees infected with Dutch elm disease from non-Federal lands shall not be considered a part of such appropriations, subscriptions, or contributions: *Provided further*, That no part of this appropriation shall be expended for the removal and destruction of trees infected with the Dutch elm disease except where such trees are located on property owned or controlled by the Government of the United States, or on property included within local experimental control areas.

Foreign plant quarantines: For operations against the introduction of insect pests or plant diseases into the United States, including the enforcement of foreign plant quarantines and regulations promulgated under sections 5 and 7 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151-167), the Insect Pest Act of 1905 (7 U. S. C. 141-144), and the Mexican Border Act of 1942 (7 U. S. C. 149), for



enforcement of domestic plant quarantines as they pertain to territories of the United States and enforcement of regulations governing the movement of plants into and from the District of Columbia promulgated under section 15 of the Plant Quarantine Act of August 20, 1912, as amended, and for inspection and certification of plants and plant products to meet the sanitary requirements of foreign countries, as authorized in section 102 of the Organic Act of 1944 (7 U. S. C. 147a), \$1,552,000.

CONTROL OF EMERGENCY OUTBREAKS OF INSECTS AND PLANT DISEASES

To enable the Secretary to carry out the provisions of and for expenditures authorized by the joint resolution approved May 9, 1938 (7 U. S. C. 148–148e), including the operation and maintenance of airplanes and the purchase of not to exceed three, and surveys and control operations in Canada in cooperation with the Canadian Government or local Canadian authorities, and the employment of Canadian citizens, \$2,800,000.

BUREAU OF AGRICULTURAL AND INDUSTRIAL CHEMISTRY

*Salaries and expenses*

For investigations, experiments, and demonstrations hereinafter authorized, including the employment of necessary persons and means in the city of Washington and elsewhere, of which not to exceed \$202,274 may be expended for personal services in the District of Columbia, as follows:

Agricultural chemical investigations: For conducting the investigations contemplated by the Act of May 15, 1862 (5 U. S. C. 511, 512), relating to the application of chemistry to agriculture; for the biological, chemical, physical, microscopical, and technological investigation of foods, feeds, drugs, plant and animal products, and substances used in the manufacture thereof; for investigations of the physiological effects and for the pharmacological testing of such products and of insecticides; for the investigation and development of methods for the manufacture of sugars, sugar sirups, and starches and the utilization of new agricultural materials for such purposes; and for the technological investigation of the utilization of fruits and vegetables and for frozen pack investigations; \$461,500.

Naval stores investigations: For the investigation of naval stores (turpentine and rosin) and their components; the investigation and experimental demonstration of improved equipment, methods, or processes of preparing naval stores; the weighing, storing, handling, transportation, and utilization of naval stores; and for the assembling and compilation of data on production, distribution, and consumption of turpentine and rosin, pursuant to the Act of August 15, 1935 (5 U. S. C. 556b), \$140,000.

Regional research laboratories: For continuing the researches established under the provisions of section 202 (a) to 202 (e), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1292), including research on food products of farm commodities, \$4,450,000.



## BUREAU OF HUMAN NUTRITION AND HOME ECONOMICS

Salaries and expenses: For necessary expenses, including not to exceed \$300,202 for personal services in the District of Columbia, of the Bureau of Human Nutrition and Home Economics for conducting investigations of the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, and such economic investigations, including housing and household buying, as have for their purpose the improvement of the rural home, and for disseminating useful information on this subject, \$917,000.

## WHITE PINE BLISTER RUST CONTROL

For expenses necessary to enable the Secretary to carry out the purposes of the Act entitled "An Act for forest protection against the white pine blister rust", approved April 26, 1940 (16 U. S. C. 594a), and in accordance with the provisions thereof, including the employment of persons and means in the District of Columbia and elsewhere, \$6,000,000, of which amount \$646,418 shall be available to the Department of the Interior for control of white pine blister rust on or endangering Federal lands under the jurisdiction of that Department or lands of Indian tribes which are under the jurisdiction of or retained under restrictions of the United States; \$2,599,471 of said amount to the Forest Service for the control of white pine blister rust on or endangering lands under its jurisdiction; and \$2,754,111 of said amount to the Bureau of Entomology and Plant Quarantine for leadership and general coordination of the entire program, method development, and for operations conducted under its direction for such control, including, but not confined to, the control of white pine blister rust on or endangering State and privately owned lands.

## FOREST SERVICE

## SALARIES AND EXPENSES

For the employment of persons and means in the District of Columbia and elsewhere, including not to exceed \$1,003,710 for departmental personal services in the District of Columbia, and not to exceed \$10,000 for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), the maintenance, repair, and operation of one passenger automobile in the District of Columbia, and to enable the Secretary to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or



sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed \$10,000, with the exception that any building erected, purchased, or acquired, the cost of which was \$10,000 or more, may be improved out of the appropriations made under this Act for the Forest Service by an amount not to exceed 2 per centum of the cost of such building as certified by the Secretary; to protect, administer, and improve the national forests, including tree planting and other measures to prevent erosion, drift, surface wash, soil waste, and the formation of floods, and to conserve water; to ascertain the natural conditions upon and utilize the national forests, to transport and care for fish and game supplied to stock the national forests or the waters therein; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase lawbooks, reference and technical books, and technical journals for officers of the Forest Service stationed outside of Washington: *Provided*, That not to exceed \$50,000 of the appropriation for "National forest protection and management", and not to exceed \$50,000 of the appropriation for "Forest fire cooperation" may be transferred to the appropriation "Printing and binding, Department of Agriculture", for forest fire prevention posters and related printed material, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief Forester at \$10,000 per annum, for the necessary expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U. S. C. 514), and for other personal services in the District of Columbia, \$610,000.

National forest protection and management: For the administration, protection, use, maintenance, improvement, and development of the national forests, including the establishment and maintenance of forest tree nurseries, including the procurement of tree seed and nursery stock by purchase, production, or otherwise, seeding and tree planting and the care of plantations and young growth; the operation and maintenance of airplanes and the purchase of not to exceed four; the maintenance of roads and trails and the construction and maintenance of all other improvements necessary for the proper and economical administration, protection, development, and use of the national forests, including experimental areas under Forest Service administration, except that where, in the opinion of the Secretary, direct purchases will be more economical than construction, improvements may be purchased; the construction (not to exceed \$10,000 for any one structure), equipment, and maintenance of sanitary and recreational facilities; control of destructive forest tree diseases and insects; timber cultural operations; development and application of fish and game management plans; propagation and transplanting of plants suitable for planting on semi-arid portions of the national forests; estimating and appraising of timber and other resources and development and application of plans for their effective management, sale, and use; examination, classification, surveying, and appraisal of land incident to effecting exchanges authorized by law and of lands within the boundaries of the national forests that may be opened to homestead settlement and entry under the Act of June 11, 1906, and the Act of August 10, 1912 (16 U. S. C. 506-509), as provided by the Act of March



4, 1913 (16 U. S. C. 512); investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests; and all expenses necessary for the use, maintenance, improvement, protection, and general administration of the national forests, \$21,786,000.

**Fighting forest fires:** For fighting and preventing forest fires on or threatening lands under Forest Service administration, including lands under contract for purchase or in process of condemnation for Forest Service purposes, \$100,000, which amount shall also be available for meeting obligations of the preceding fiscal year.

**Forest research:** For forest research in accordance with the provisions of sections 1, 2, 7, 8, 9, and 10 of the Act entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", approved May 22, 1928, as amended (16 U. S. C. 581, 581a, 581f-581i), including the construction and maintenance of improvements, as follows:

**Forest and range management investigations:** Fire, silvicultural, watershed, and other forest investigations and experiments under said section 2, as amended, and investigations and experiments to develop improved methods of management of forest and other ranges under section 7, at forest or range experiment stations or elsewhere, \$2,380,000.

**Forest products:** Experiments, investigations, and tests of forest products under section 8, at the Forest Products Laboratory, or elsewhere, \$1,395,000, of which at least \$10,000 shall be expended for research in the utilization of waste woods.

**Forest resources investigations:** A comprehensive forest survey under section 9, and investigations in forest economics under section 10, \$1,072,000.

#### FOREST-FIRE COOPERATION

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protection of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924, as amended (16 U. S. C. 564-570), \$8,300,000, of which not to exceed \$57,982 shall be available for personal services in the District of Columbia.

#### FARM AND OTHER PRIVATE FORESTRY COOPERATION

To enable the Secretary through the Forest Service to advise timberland owners and associations, wood-using industries or other appropriate agencies in the application of forest management principles to



federally owned lands leased to State and to private forest lands, so as to attain sustained-yield management, the conservation of the timber resources, the productivity of forest lands, and the stabilization of employment and economic continuance of forest industries, and to carry into effect, through such agencies of the Department as he may designate, the provisions of the Cooperative Farm Forestry Act, approved May 18, 1937 (16 U. S. C. 568b), (not to exceed \$622,034) and the provisions of sections 4 (not to exceed \$83,700) and 5 (not to exceed \$65,766), of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924 (16 U. S. C. 567-568), and Acts supplementary thereto; in all, not to exceed \$771,500, of which not to exceed \$47,074 may be expended for personal services in the District of Columbia; the purchase of reference books and technical journals; not to exceed \$30,000 for the construction, alteration, or purchase of necessary buildings, and other improvements: *Provided*, That in carrying into effect the provisions of the Cooperative Farm Forestry Act, no part of this appropriation shall be used to establish new nurseries or to acquire land for the establishment of such new nurseries.

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS

Under Week's Act: For the acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U. S. C. 513-519, 521), \$3,000,000, of which not to exceed \$44,419 may be expended for personal services in the District of Columbia.

Under special Acts: For the acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts: Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (Public Law 337), as amended, \$40,000; Cache National Forest, Utah, Act of May 11, 1938 (Public Law 505), as amended, \$10,000; San Bernardino and Cleveland National Forests, Riverside County, California, Act of June 15, 1938 (Public Law 634), as amended, \$22,000; Nevada and Toiyabe National Forests, Nevada, Act of June 25, 1938 (Public Law 748), as amended, \$10,000; Angeles National Forest, California, Act of June 11, 1940 (Public Law 591), \$20,000; Cleveland National Forest, San Diego County, California, Act of June 11, 1940 (Public Law 589), \$5,000; Sequoia National Forest, California, Act of June 17, 1940 (Public Law 637), \$35,000; in all, \$142,000.

#### FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921, as amended (23 U. S. C. 23, 23a), and for the construction, reconstruction, and maintenance of roads and trails on experimental areas under Forest Service administration, (1) \$12,500,000 for forest development roads and trails, which sum is authorized to be appropriated by the Act of December 20, 1944



(Public Law 521), and (2) \$13,714,222 for forest highways, which latter sum consists of (a) the balance of the amount authorized to be appropriated for the fiscal year 1942 and the amount authorized to be appropriated for the fiscal year 1943 by the Act of September 5, 1940 (54 Stat. 867, Public Law 780—Seventy-sixth Congress), and (b) \$4,500,000, a part of the amount authorized to be appropriated by the Act of December 20, 1944 (Public Law 521), in all, \$26,214,222 (including not to exceed \$99,804 for personal services in the District of Columbia), to be immediately available and to remain available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings necessary for the storage and repair of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased, altered, or constructed under this authorization shall not exceed \$10,000, with the exception that any building erected, purchased, or acquired, the cost of which was \$10,000 or more, may be improved within any fiscal year by an amount not to exceed 2 per centum of the cost of such building as certified by the Secretary: *Provided further*, That in obligating or expending funds herein contained for "Forest roads and trails" the provisions of Revised Statute, 355, as amended, shall not be applicable to easements or rights-of-way for forest roads and trails constructed under the provision of this section, where the cost of any such easement or right-of-way acquired under a single instrument of conveyance and the estimated cost of the improvements to be constructed thereon does not exceed \$40,000.

#### FLOOD CONTROL

Flood control: For expenses necessary to enable the Secretary to perform works of improvement authorized by section 13 of the Act of December 22, 1944 (Public Law 534), including personal services in the District of Columbia; \$2,100,000, to be immediately available and to remain available until expended, which sum shall be merged with the unexpended balances of funds heretofore transferred to the Department from the appropriation "Flood control, general", Corps of Engineers, War Department, for the purposes of the Flood Control Act of June 22, 1936, as amended (33 U. S. C., ch. 15): *Provided*, That no part of such funds shall be used for the purchase of lands in the Yazoo and Little Tallahatchie watersheds without specific approval of the County Board of Supervisors of the county in which such lands are situated.

#### SOIL CONSERVATION SERVICE

To carry out the provisions of "An Act to provide for the protection of land resources against soil erosion, and for other purposes", approved April 27, 1935 (16 U. S. C. 590a-590f), which provides for a national program of erosion control and soil and water conservation, including the employment of persons and means in the District of Columbia and elsewhere (but not to exceed \$1,027,000 may be expended for personal services in the District of Columbia), purchase of books and periodicals, purchase, maintenance, repair, and operation of one passenger-carrying automobile in the District of Columbia, furnishing of subsistence to employees, operation and maintenance of aircraft, and the purchase and erection or alteration of permanent buildings:



*Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same with any such building, shall not exceed \$2,500 except where buildings are acquired in conjunction with land being purchased for other purposes and except for eight buildings to be constructed at a cost not to exceed \$15,000 per building: *Provided further*, That no money appropriated in this Act shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That in the State of Missouri where the State has established a central State agency authorized to enter into agreements with the United States or any of its agencies on policies and general programs for the saving of its soil by the extension of Federal aid to any soil conservation district in such State, the agreements made by or on behalf of the United States with any such soil conservation district shall have the prior approval of such central State agency before they shall become effective as to such district, as follows:

Soil conservation research: For research and investigations into the character, cause, extent, history, and effects of erosion, soil and moisture depletion and methods of soil and water conservation (including the construction and hydrologic phases of farm irrigation and land drainage, and water regulation to conserve the soil and reduce fire hazards in the Everglades region of Florida, except that expenditures for all work in the Everglades region shall be limited to a sum not in excess of funds made available for such work by the State of Florida, or political subdivisions thereof); and for construction, operation, and maintenance of experimental watersheds, stations, laboratories, plots, and installations, \$1,278,000.

Soil conservation operations: For carrying out preventive measures to conserve soil and water, including such special measures as may be necessary to prevent floods and the siltation of reservoirs, and including the improvement of farm irrigation and land drainage, the establishment and operation of conservation nurseries, the making of conservation plans and surveys, and the dissemination of information, \$39,300,000: *Provided*, That no part of this appropriation may be expended for soil and water conservation operations in demonstration projects.

#### LAND UTILIZATION AND RETIREMENT OF SUBMARGINAL LAND

To enable the Secretary to carry out the provisions of title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1010-1013), and the provisions of the Act approved August 11, 1945 (Public Law 179, Seventy-ninth Congress), including the employment of persons and means in the District of Columbia and elsewhere, \$1,453,000.

#### WATER CONSERVATION AND UTILIZATION PROJECTS

For expenses necessary to enable the Secretary to carry into effect the functions of the Department under the Act of October 14, 1940 (16 U. S. C. 590y-z-10), as amended, relating to the construction, operation, and maintenance of water conservation and utilization projects, \$700,000, to be immediately available and to remain avail-



able until expended, which sum shall be merged with the unexpended balances of funds heretofore appropriated or transferred to said Department for the purposes of said Act, including personal services in the District of Columbia; purchase of books of reference and periodicals; and leveling or otherwise preparing any lands, irrespective of ownership, within the boundaries of approved projects for the utilization of irrigation water.

## PRODUCTION AND MARKETING ADMINISTRATION

### CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

For all expenses necessary to enable the Secretary to carry into effect the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U. S. C. 590g-590q), and the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281-1407) (except the provisions of sections 201, 202, 303, 381, and 383 and the provisions of titles IV and V), including personal services in the District of Columbia and elsewhere; not to exceed \$6,000 for the preparation and display of exhibits, including such displays at State, interstate and international fairs within the United States; purchase of lawbooks, books of reference, periodicals; \$259,246,000, together with \$42,500,000 of the unobligated balances for the fiscal years 1944, 1945, and 1946 of the funds appropriated by section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U. S. C. 612 (c) ; in all, \$301,746,000, to remain available until December 31, 1947, for compliance with programs under said provisions of the Agricultural Adjustment Act of 1938, as amended, and the Act of February 29, 1936, as amended, pursuant to the provisions of the 1946 programs carried out during the period July 1, 1945, to December 31, 1946, inclusive, and, in addition, \$12,500,000 for making additional payments on an acreage and pound basis for harvesting seeds of grasses and legumes determined by the Secretary to be necessary for an adequate supply of such seeds; in all, \$314,246,000: *Provided*, That not to exceed \$27,942,888 of the total sum provided under this head shall be available during the current fiscal year, for salaries and other administrative expenses for carrying out such programs, the cost of aerial photographs, however, not to be charged to such limitation; but not more than \$7,886,480 shall be transferred to the appropriation account, "Administrative expenses, section 392, Agricultural Adjustment Act of 1938": *Provided further*, That none of the funds herein appropriated or made available for the functions assigned to the Agricultural Adjustment Agency pursuant to the Executive order (No. 9069) of February 23, 1942, shall be used to pay the salaries or expenses of any regional information employees or any State or county information employees, but this shall not preclude the answering of inquiries or supplying of information to individual farmers: *Provided further*, That such amount shall be available for salaries and other administrative expenses in connection with the formulation and administration of the 1947 programs (amounting to \$300,000,000, including administration) of soil-building practices and soil- and water-conservation practices, under the Act of February 29, 1936, as amended, and programs under the Agricultural Adjustment



Act of 1938, as amended; but the payments or grants under such program shall be conditioned upon the utilization of land with respect to which such payments or grants are to be made, in conformity with farming practices which will encourage and provide for soil-building and soil- and water-conserving practices in the most practical and effective manner and adapted to conditions in the several States, as determined and approved by the State agricultural conservation committee for the respective States: *Provided further*, That the Secretary, may, in his discretion, from time to time transfer to the General Accounting Office such sums as may be necessary to pay administrative expenses of the General Accounting Office in auditing payments under this item: *Provided further*, That such amount shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary in the 1946, 1947, and 1948 programs under said Act of February 29, 1936, as amended: *Provided, however*, That the Secretary of Agriculture is authorized and directed to make payments to farmers who complied with the terms and conditions of the agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, if the Secretary determines that, because of induction into the armed forces of the United States, such farmers failed to file, or were prevented from filing, applications for payment under any such program during the period the applicable appropriation for such program was available for obligation, such payments to be made out of the unobligated balance of the appropriation, "Conservation and use of agricultural land resources", in the Department of Agriculture Appropriation Act, 1946: *Provided further*, That an application for payment on the prescribed form is filed by any such farmer (or the person entitled to payment in case of death, disappearance, or incompetency of the farmer under regulations issued pursuant to section 385 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C., 1940 edition, 1385)) within one year from the date of his discharge from the armed forces, or by December 31, 1946, whichever is later: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of section 6 of the Act of July 11, 1919 (18 U. S. C. 201), to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

#### SUGAR ACT

To enable the Secretary to carry into effect the provisions, other than those specifically relating to the Philippine Islands, of the Sugar Act of 1937, approved September 1, 1937, as amended (7 U. S. C. 1100-1183), including the employment of persons and means, in the District



of Columbia and elsewhere, as authorized by said Act, \$53,500,000, to remain available until June 30, 1948.

### EXPORTATION AND DOMESTIC CONSUMPTION OF AGRICULTURAL COMMODITIES

To enable the Secretary to further carry out the provisions of section 32, as amended, of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U. S. C. 612 (c)), and subject to all provisions of law relating to the expenditure of funds appropriated by such section 32, there is hereby reappropriated for the fiscal year 1947 the unobligated balances of the funds made available for the purposes of such section 32 for the fiscal years 1944, 1945, and 1946, less \$42,500,000, which is appropriated herein for "Conservation and use of agricultural land resources". Such sums shall be in addition to, and not in substitution for, other appropriations made by or for the purposes of such section 32: *Provided*, That not exceeding \$75,000,000 of the funds appropriated by and pursuant to such section 32 may also be used during the fiscal year 1947, without regard to the 25 per centum limitation contained in said section 32, to carry out the purposes and provisions of the National School Lunch Act, approved June 4, 1946 (Public Law 396), such amount to be exclusive of funds expended in accordance with the last sentence of section 9 of the National School Lunch Act.

### MARKETING SERVICES

For the employment of such persons and means in the city of Washington and elsewhere (including not to exceed \$2,434,764 for departmental personal services in the District of Columbia) as may be necessary in conducting investigations, experiments, and demonstrations, as follows:

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, cottonseed, and seeds, and other agricultural products, \$1,320,972.

Market inspection of farm products: For enabling the Secretary to investigate and certify, in one or more jurisdictions, to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered, \$536,000.

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and



food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world for making analyses of cotton fiber as provided by the Act of April 7, 1941 (7 U. S. C. 473d), and for expenses necessary to enable the Secretary to perform functions vested in him by Executive Orders 9280, 9310, 9322, 9328, 9334, and 9577, including not to exceed \$10,000 for employment pursuant to the second sentence of section 706 (a), and not to exceed \$20,000 for transportation, per diem, and other necessary expenses pursuant to section 706 (b) of the Organic Act of 1944 (5 U. S. C. 541b, 574); printing and binding; the purchase of books of reference, periodicals, and not to exceed \$150 for newspapers; and operation and maintenance of one passenger automobile in the District of Columbia; \$2,251,500, of which not to exceed \$350,000 may be expended for the wage stabilization program conducted during the fiscal year 1946 under the appropriation "Salaries and expenses, War Food Administration", and, in the absence of other governing statute, the provisions of law applicable to such program during the fiscal year 1946 are continued during the fiscal year 1947: *Provided*, That the Secretary may make available to any bureau, office, or agency of the Department such amounts from this appropriation as may be necessary to carry out the functions for which this appropriation is made, and any such amounts shall be in addition to amounts transferred or otherwise made available to appropriation items in this Act: *Provided further*, That none of the funds herein appropriated shall be used for the promulgation or execution of orders under which assessments are made against producers or handlers of agricultural products, excepting walnuts, for administration of such orders: *Provided further*, That no part of this appropriation shall be used for agricultural wage stabilization with respect to any commodity unless a majority of the producers of such commodity within the area affected participating in a referendum or meeting held for that purpose request the intervention of the Secretary.

Tobacco Acts: To enable the Secretary to carry into effect the provisions of "An Act to establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco-inspection service, and for other purposes", approved August 23, 1935 (7 U. S. C. 511-511q), "An Act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture", approved January 14, 1929 (7 U. S. C. 501-508), as amended, and "An Act to prohibit the exportation of tobacco seed and plants, except for experimental purposes", approved June 5, 1940 (7 U. S. C. 516), \$1,219,000.

Perishable Agricultural Commodities, Produce Agency, and Standard Container Acts: To enable the Secretary to carry into effect the provisions of the Perishable Agricultural Commodities Act, approved June 10, 1930, as amended (7 U. S. C. 499a-499r), and the Act to prevent the destruction or dumping of farm produce, and for other purposes, approved March 3, 1927 (7 U. S. C. 491-497), the Standard Baskets Act, approved August 31, 1916, as amended (15 U. S. C. 251-256), and the Act to fix standards for hampers, round stave baskets, and splint baskets for fruit and vegetables, and for other purposes, approved May 21, 1928 (15 U. S. C. 257-257i), \$214,800.

Cotton Statistics, Classing, Standards and Futures Acts: To enable the Secretary to carry into effect the provisions of the Act authorizing



him to collect and publish statistics of the grade and staple length of cotton, approved March 3, 1927, as amended by the Act of April 13, 1937 (7 U. S. C. 471-476), and to perform the duties imposed upon him by chapter 14 of the Internal Revenue Code relating to cotton futures (26 U. S. C. 1920-1935), and to carry into effect the provisions of the United States Cotton Standards Act, approved March 4, 1923, as amended (7 U. S. C. 51-65), \$1,274,000.

United States Grain Standards Act: To enable the Secretary to carry into effect the provisions of the United States Grain Standards Act, \$940,000.

United States Warehouse Act: To enable the Secretary to carry into effect the provisions of the United States Warehouse Act, \$584,000.

Federal Seed Act: To enable the Secretary to carry into effect the provisions of the Act entitled "An Act to regulate interstate and foreign commerce in seeds; to require labeling and to prevent misrepresentation of seeds in interstate commerce; to require certain standards with respect to certain imported seeds; and for other purposes", approved August 9, 1939, as amended (7 U. S. C. 1561-1610), \$137,000: *Provided*, That not to exceed \$250 of this amount may be used for meeting the share of the United States in the expenses of the International Seed Testing Congress.

Packers and Stockyards Act: For carrying out the provisions of the Packers and Stockyards Act, approved August 15, 1921, as amended by the Act of August 14, 1935 (7 U. S. C. 181-229), \$464,500.

Naval Stores Act: For enabling the Secretary to carry into effect the provisions of the Naval Stores Act of March 3, 1923 (7 U. S. C. 91-99), \$33,800.

Insecticide Act: For enabling the Secretary to carry into effect the provisions of the Act of April 26, 1910 (7 U. S. C. 121-134), entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded paris greens, lead arsenates, other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes", \$262,500.

Commodity Exchange Act: To enable the Secretary to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), \$495,000.

Freight rates for farm products: To carry out the provisions of section 201 (a) to 201 (d), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291), \$123,000.

### LOANS, GRANTS, AND RURAL REHABILITATION

To enable the Secretary to continue to provide assistance through rural rehabilitation and grants to needy farmers in the United States, its Territories and possessions, including (1) loans to needy individual farmers, (2) grants, (3) making and servicing of loans and grants under this and prior laws, (4) farm debt adjustment service, (5) liquidation as expeditiously as possible of Federal rural rehabilitation projects, and (6) servicing and collecting loans made under the provisions of the Act of July 12, 1943, Public Law 140, as amended, \$24,000,000, which sum shall be also available for necessary administrative expenses incident to the foregoing, including personal services in the District of Columbia and elsewhere; not to exceed \$57,000 for employment pursuant to the second sentence of section



706 (a) of the Organic Act of 1944 (5 U. S. C. 574) ; purchase of law-books, books of reference, periodicals, and not to exceed \$1,000 for newspapers; and printing and binding: *Provided*, That the Secretary shall transmit to the Congress semiannually a progress report with respect to the liquidation of Federal rural rehabilitation projects, under his supervision, showing by name and by States all dispositions of such projects or parts thereof, together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds.

In making any grant payments under this Act, the Secretary is authorized to require with respect to such payments the performance of work on useful public projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of the Act of February 15, 1934 (5 U. S. C. 796), as amended, relating to disability or death compensation, and benefits shall apply to those persons performing such work: *Provided*, That this section shall not apply to any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death.

For additional funds for the purpose of making rural rehabilitation loans to needy individual farmers, who are unable to obtain credit elsewhere at comparable rates for the area where such loan is proposed to be made, the Reconstruction Finance Corporation is authorized and directed to make advances to the Secretary upon his request in an aggregate amount of not to exceed \$70,000,000. Such advances shall be made (1) with interest at not to exceed the rate of 3 per centum per annum payable semiannually; (2) upon the security of obligations acceptable to the Corporation heretofore or hereafter acquired by the Secretary pursuant to law; (3) in amounts which shall not exceed 75 per centum of the then unpaid principal amount of the obligations securing such advances; and (4) upon such other terms and conditions, and with such maturities as the Corporation may determine. The Secretary shall pay to the Corporation, currently as received by him, all moneys collected as payments of principal and interest on the loans made from the amounts so advanced or collected upon any obligations held by the Corporation as security for such advances, until such amounts are fully repaid. The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on the date this Act takes effect is hereby increased by an amount sufficient to carry out the provisions of this paragraph.

None of the moneys appropriated or otherwise authorized under this caption "Loans, grants, and rural rehabilitation", shall be used for (1) the purchase or leasing of land or for the carrying on of any land-purchase or land-leasing program; or (2) the carrying on of any operations in collective farming, or cooperative farming, or the organization, promotion, or management of homestead associations, land-leasing associations, land-purchasing associations, or cooperative land purchasing for colonies of rehabilitants or tenant purchasers, except for the liquidation as expeditiously as possible of any such projects heretofore initiated; or (3) the making of loans to any individual farmer in excess of total outstanding obligation of \$5,000



for all such loans or the making of loans to any individual farmer in excess of \$2,500; or (4) the making of loans to any cooperative association; or (5) the making of loans for the payment of dues to or the purchase of any share or stock interest in any cooperative association (except for medical, dental, or hospital services) or for any expenditure other than that deemed necessary, in the discretion of the Secretary, for the production of agricultural commodities.

The Secretary may expend funds administered by him as trustee under the various transfer arrangements with the several State rural rehabilitation corporations only for purposes for which funds made available under this caption may be expended, and the limitations applicable to such funds shall also be applicable to the expenditure of such trust funds by the Secretary.

The appropriation and authorizations herein made under the heading "Loans, grants, and rural rehabilitation", shall constitute the total amount to be available for obligation under this heading during the current fiscal year and shall not be supplemented by funds from any source.

No part of the appropriation herein made under the heading "Loans, grants, and rural rehabilitation", shall be available to pay the compensation of any person appointed in accordance with the civil-service laws.

#### FARM TENANCY

To enable the Secretary to carry into effect the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006, as follows:

**Salaries and expenses:** For necessary expenses in connection with the making of loans and the collection of moneys due the United States on account of loans heretofore made under the provisions of title I of said Act, including the employment of persons and means in the District of Columbia and elsewhere, exclusive of printing and binding, as authorized by said Act, \$2,804,000.

**Loans:** For loans to individual farmers in accordance with title I of said Act and section 505 (b) of the Servicemen's Readjustment Act of 1944 (38 U. S. C. 694e (b)), \$50,000,000, including \$25,000,000 for loans to eligible veterans which may be distributed, without regard to the provisions of section 4 of the Bankhead-Jones Farm Tenant Act, among the States and Territories in such amounts as are necessary to make such loans, which sums shall be borrowed from the Reconstruction Finance Corporation at an interest rate of not to exceed 3 per centum per annum and no loans, excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary, in the county, parish, or locality where the farm is located; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary upon the security of any obligations of borrowers from the Secretary under the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006): *Provided*, That the amount loaned by the Reconstruction Finance Corporation shall not exceed 85 per centum of the principal amount outstanding of the obligations constituting the security therefor: *Provided further*, That



the Secretary may utilize proceeds from payments of principal and interest on any loans made under such title I to repay the Reconstruction Finance Corporation the amount borrowed therefrom under the authority of this paragraph: *Provided further*, That the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof.

#### WATER FACILITIES, ARID AND SEMIARID AREAS

To enable the Secretary to carry into effect the provisions of the Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937, as amended (16 U. S. C. 590r-590x, 590z-5), \$1,750,000, of which not to exceed \$11,000 may be expended for personal services in the District of Columbia.

#### RURAL ELECTRIFICATION ADMINISTRATION

To enable the Secretary to carry into effect the provisions of the Rural Electrification Act of 1936, approved May 20, 1936, as amended (7 U. S. C. 901-915), as follows:

Salaries and expenses: For administrative expenses and expenses of studies, investigations, publications, and reports including the salary of the Administrator, Rural Electrification Administration, and other personal services in the District of Columbia and elsewhere; purchase and exchange of books, lawbooks, books of reference, directories, and periodicals; not to exceed \$500 for newspapers; purchase (not to exceed \$1,500), maintenance, repair, and operation of one passenger automobile in the District of Columbia and elsewhere; and not to exceed \$500 for financial and credit reports, \$5,000,000.

Loans: For loans in accordance with sections 3, 4, and 5 of said Act, and for carrying out the provisions of section 7 thereof, \$250,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation in accordance with the provisions of section 3 (a) of said Act.

#### FARM CREDIT ADMINISTRATION

##### SALARIES AND EXPENSES

For salaries and expenses of the Farm Credit Administration in the District of Columbia and the field, including printing and binding; travel expenses, including not to exceed \$5,000 for travel incurred under proper authority attending meetings or conventions of members of organizations at which matters of importance to the work of the Farm Credit Administration are to be discussed or transacted; lawbooks, books of reference, and not to exceed \$750 for periodicals and newspapers; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; not to exceed \$20,000 for expenditures authorized by section 602 of the Organic Act of 1944 (12 U. S. C. 833); purchase of one, mainte-



nance, repair, and operation of motor-propelled passenger-carrying vehicles in the District of Columbia and elsewhere; garage rental in the District of Columbia; payment of actual transportation and other necessary expenses and not to exceed \$10 per diem in lieu of subsistence of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Farm Credit Administration, except that such expenditures shall not exceed \$10,000; necessary administrative expenses in connection with the making of loans under the provisions of the Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o), and the collection of moneys due the United States on account of loans made under the provisions of said Act and similar Acts administered by the Farm Credit Administration relating to loans for crop production, feed, seed, and harvesting; examination of corporations, banks, associations, and institutions operated, supervised, or regulated by the Farm Credit Administration; in all, \$544,000, together with not to exceed \$4,569,300 from the funds made available to the Farm Credit Administration pursuant to the Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o). Collections made pursuant to section 601 of the Organic Act of 1944 (12 U. S. C. 832), are hereby made available to reimburse this appropriation for the cost of examining and supervising the corporations, banks, associations, and other organizations as provided in said section.

Farmers crop production and harvesting loans: For loans to farmers under the Act of January 29, 1937, as amended (12 U. S. C. 1020i-1020n, 1020o), \$5,000,000, together with the unobligated balance (exclusive of the amount of such balance made available for "Salaries and expenses, Farm Credit Administration, 1947") of the appropriation "Crop production and harvesting loans" as made in the Act of May 5, 1945 (Public Law 52), is hereby made available, together with all collections of principal and interest on loans heretofore or hereafter made under said Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o).

#### GENERAL PROVISIONS

SEC. 2. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation or expenses of any officer or employee of the Department, or any bureau, office, agency, or service of the Department, or any corporation, institution, or association supervised thereby, who makes or approves, or directs or authorizes any other officer or employee of the Department or of any such bureau, office, agency, service, corporation, institution, or association to make or approve, (1) any loan or advance under the provisions of food production financing bulletins F-1 or F-2, issued by the Farm Credit Administration operating under the Food Production Administration, Production Loans Branch, as heretofore or hereafter amended, unless (a) the applicant represents in writing and it is administratively determined that credit sufficient in amount to finance the production of the crops or livestock specified in the application is not available to him from sources other than the Regional Agricultural Credit Corporation or is available from other sources only on such terms and conditions that he could not use the other credit available to the extent necessary to produce the entire quantity of such crops or livestock specified in his applica-



tion and (b) the person authorized to approve the loan or advance on behalf of the Regional Agricultural Credit Corporation finds that a greater quantity of the crops or livestock specified in the application would be likely to be produced if the loan or advance is made than would be produced otherwise, or (2) any loan or advance under the provisions of section 201 (e) of the Emergency Relief and Construction Act of 1932 (12 U. S. C. 1148), as amended (other than loans or advances under bulletins F-1 and F-2 made or approved on the conditions specified in this section) except (a) in regions in which loans or advances had been made under said section 201 (e) of the Emergency Relief and Construction Act of 1932 within one year prior to December 1, 1942, or (b) in any region which the Secretary shall have designated as a region in which the making of such loans or advances is necessary in order to finance the production of crops or livestock that otherwise would not be produced in such region: *Provided*, That none of the limitations provided for by this section shall apply with respect to any loan or advance made or approved at any time for the purpose of financing the completion of production undertaken before July 12, 1943, or for the purpose of protecting or preserving the security for or assisting in the collection or liquidation of any loan or advance made or approved before such date.

SEC. 3. Within the unit limit of cost fixed by law the lump-sum appropriations herein made for the Department shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department outside the District of Columbia, but the number of such vehicles purchased or otherwise acquired for all the activities of the Department for which appropriations are made in this Act shall not exceed the total number indicated for purchase by the Department under the statements of proposed expenditures for purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles in the Budget plus twelve additional such vehicles for work in connection with experimental forests and ranges: *Provided*, That such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor-trucks in the District of Columbia: *Provided further*, That appropriations contained in this Act shall be available for the maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles: *Provided further*, That the funds available under the appropriation "Conservation and use of agricultural land resources" may be used for the maintenance, repair, and operation of one passenger-carrying vehicle in the District of Columbia.

SEC. 4. Provisions of law prohibiting or restricting the employment of aliens shall not apply to (1) the temporary employment of translators when competent citizen translators are not available; (2) employment in cases of emergency of persons in the field service of the Department for periods of not more than sixty days; (3) employment on the emergency rubber project; (4) employment by the Rural Electrification Administration of not to exceed twenty junior engineer trainees who are citizens of other American republics; and (5) employment under the appropriation for the Office of Foreign Agricultural Relations.

SEC. 5. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a



strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who engaged in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than sixty days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section.

SEC. 6. Nothing contained in this Act shall be construed to alter, or modify in any manner whatsoever, the aggregate maximum personnel ceilings established by section 14 (a) of the Federal Employees' Pay Act of 1946 (Public Law No. 390) nor to authorize the compensation of a greater aggregate number than the number provided for in the aforesaid Act. In the case of any activity whose personnel may be increased in consequence of appropriations contained in this Act, the Director of the Bureau of the Budget shall recommend and effectuate such reduction in personnel in such governmental agencies as he may deem advisable as will offset any increase in personnel for which provision is made in this Act.

SEC. 7. This Act may be cited as the "Department of Agriculture Appropriation Act, 1947". (June 22, 1946. Public Law, 422, 79th Cong., 2d sess.)



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